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THE IDEAL OF SOCIAL JUSTICE

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PART I. SOCIAL JUSTICE AND THE INDIVIDUAL

Criticism of the social and economic system in modern democracies has greatly helped in defining the problem of politics. The problem cannot be formally or definitely put, yet there is much to be gained from the fresh contributions made by competent students of public life on the times in which they live and work. There is a better understanding today of what democracy in the West is, because there has been some effort to find out what democracy in the West wants. Oftentimes the problem for some of the ethical basis of the State has made the practical contribution of bringing light to bear on the question of sound individual idealism with regard to group loyalties. And yet again, some by the effort to form an international organization have been directed to the closer study of community good will. Thus by strange ways are men taught lessons in politics. The State itself, since becoming what Bryce called "an engine of reform," has been to a school of politics which has not as yet very clearly set forth its philosophy.

But criticism of modern democracy has brought about the organized effort to maintain better standards of life

for the people, an effort in which the State has taken a leading part. Both the attitude of the State and the program of groups within the State have showed that there has been a growing insistence on a fairer distribution of the good things of life. With this demand there has come a sounder criticism of the means necessary to attain the desired end. The result has been that the ideal of the good community has become more real as the conditions which make it possible have been sought by more people. At the same time the social ideal has not made less the individual duty in helping to realize a good society, but the duty of the individual has become a more conscious factor in the welfare of the community as his capacity for sharing a great ideal of human good has become more evident. He has demanded from the institutions which he has created and used more of service to the common good. The individual has not become lost in the institution. In fact, the good citizen today has a larger responsibility for a good order of society than ever before, simply because there is more of freedom for purposive individual effort directed toward the common good of all. Social progress has helped to free good men for better service to their fellowmen, because the rights of the individual have been increasingly protected at the same time that the ideal of the highest good for all has been given a more definite meaning in legislation. This is one of the encouraging signs that democracy has the creative power to overcome besetting difficulties, for the rendering of better service by men anxious to aid their generation is proof that the will for a good society is an enduring factor making for social justice. This will for a good society has set men thinking of the institutions about them and through which they express their will.

Constant criticism of these institutions, which daily affect their lives, is one of the surest proofs of the capacity of men for political society. It makes it possible to formulate a freely creative conception of the State. It is also a test of the will of men to change the form of old institutions which do not fit their needs, and of their desire that new

ones shall be developed which are more in accord with their aspirations. This is today, so Mr. Hobson believes, the attitude of most politically-minded persons in the Western World towards the State and its government; and that while the State and the Government are thought to be a very disagreeable necessity, that they are more necessary than ever before.¹ Thus the problem

is one of envisaging the State as a creative power using its distinctively political faculties to help man as skillfully as possible in making the best of his life in the material and moral environment in which he finds himself, and to help in adapting that environment to the better achievement of his purposes.

The capacity for using and enjoying the freedom which political communities have made possible has joined the life of the citizen with that of the State, giving him an opportunity of fulfilling at its best his own life at the same time that a common destiny is being worked out for all. At times the citizen feels a conflict of loyalties which may threaten allegiance to the most inclusive society of which he is a member—the State—has broadly served to lift the issues of lesser relationships to a higher level. Thus the expanding idea of the basis of political action has focused attention on the capacity of men to change political organization. This at its most serviceable point has been used to interpret a loyalty to the State which has been expressed in a keener sense of individual duty and in a wider vision of the possibilities of collective action. As political power has become less concentrated the ideals of human solidarity have had more significance because they have been shared by more people. The growth of a common purpose in which more men are eager to add their part has expressed this fact; and the moral growth of the purpose of the State is shown by the fact that the State can command the highest service from those who believe its will to be for the common

¹See the *Contemporary Review*, October, 1925, for Mr. J. A. Hobson's article, "The Transformation of Politics."

good.² The individual that so believes will go outside his own interests for the sake of common interests.³ Thus by the example of the good citizen the minimum standards which society can enforce are gradually raised, and the aims which go to create a common purpose become sanctioned by an actively approving political community which has learned its best lessons from individuals whose ideals go far beyond the ordinary *minima* of social conduct. The beneficial effect of these ideals is to move forward the whole limits of moral conduct for the community. The good citizen is thus the builder of the good society, which in turn makes possible for him a fuller freedom of life. Thus is joined that idea of social good, which for all democratic government is a principle of legislative action, and which, as Mr. Hobson has suggested, is fundamental for most modern thinkers, and the idea of individual good. Together these two ideas form the major problem of politics: how the common good is to be served by making the highest individual excellence possible.⁴

²Mr. Laski in his recent study, *A Grammar of Politics* (1925), has given a most suggestive treatment in his first chapter on the purpose of social organization, pp. 15-35. To him what we call "the State is simply a source of ultimate reference which makes a decision upon grounds that it deems adequate" (34). Further, "the power of government is the right of government in the degree to which it is exercised for the end of social good" (36). This means "that the quality of any State will depend upon the degree to which men consciously seek to give the State the import of the meaning they find in their lives" (37). So, "the State is thus a fellowship of men aiming at the enrichment of the common life" (37).

³Professor Bosanquet wrote, that "the basis of State regulation is the emergence of aspects of common interest in the system of particular interests," *The Philosophical Theory of the State*, 3rd ed., 1920, p. 257.

⁴In this sense M. Hauriou says that "the State is an organization which moves toward personification" (p. xiii), and the progress of civilization is the development of a tradition which holds that "society is a moral fact, the essential problem is that of good and evil," *Principes De Droit Public*, pp. xxii-xxiii. The later quotation is the thesis of his *Science Sociale Traditionnelle* (1896).

I

Social justice with regard to the individual is a positive ideal, providing both the inspiration and the method of progress toward security. Social justice considers collective action as an achievement of common purpose, which implies individual action at its best; for collective action should always be a wise means of largely increasing individual freedom. The good society for the individual is thus impossible without a collective good will. It is then apparent that the ideal of the good society is really the development of a belief in the capacity of the individual and the acceptance by the community of finer values for a judgment of human nature. A basis for believing in the principles of social justice is afforded by the changed attitude toward the individual and his worth. Society had to be better for the better individual, and the most prosaic of legislation in this century has contained revolutionary doctrines with regard to the ordinary citizen and his importance to the State. Professor Muirhead has written⁵ that even in England, while the legal and political reforms of the early nineteenth century may seem to have been inspired by utilitarian ideas, that it may well be doubted whether the underlying principle of the social movement which began towards the middle of the century, and is the most characteristic feature of the present time, does not owe more to the Kantian principle of the sacredness of humanity in each than to the Benthamite doctrine that each was to count as one, and nobody as more than one.

This changed attitude toward human nature has given a new meaning to justice. The claims of citizenship have been more broadly interpreted, and the State has put great confidence in the loyalty of good men who share with the large community the purpose of community well-being. Social justice, enlarging the whole concept of public welfare as the aim of the State, gives first place to the ethical claim of individuals and groups for conditions which make

⁵J. H. Muirhead, *The Elements of Ethics* (1921 ed.), pp. 135-136.

living the good life possible. Legislation and democratic administration are convincing proof that democracy means to create the conditions which will make possible for all citizens the living of the good life. That essential duty the community has accepted. And it is neither with the economic man alone nor with the political man that the community is most concerned. From time to time the emphasis turns from the one to the other, but steadily the purpose grows that the individual in all his needs and in all his relationships must be understood. Any lesser view is inadequate for politics. Neither society nor the individual can be over-simplified for the convenience of a system of psychology or to prove the orthodoxy of a political dogma. Yet steadfastly through the confused debates of parliaments and workers' congresses one conviction stands, and it is part of the ideal upon which social justice builds the hope of the future. This conviction is, that the individual is good. Then all State action must be judged with regard to its effect on the welfare of the individual, the protection of his rights. It is thus true that the good State is one which actively coöperates with the individual in advancing the cause of the highest good. With this assumption it is possible to say that social justice gives first place to the good life in the development of the idea of welfare in economic doctrine and political theory.

This ideal of the good life is not a sterile sort of individualism, nor does it neglect the very important fact that the group life of the community must be good even as the individual is good. It would be idle to overlook the conflicts which go on between industrial sections of the labor movement, almost as intense as that struggle which divides the employer and the employee, yet it is just at this point that the ideal of social justice becomes an unifying power in the community. Social justice interprets a purposive social will which is determined upon achieving a moral, and therefore a voluntary social solidarity. It does not accept a view of social solidarity which is conditioned by

the blind forces of economic evolution or by the predetermined caprice of social forces within society which bend men to an acceptance of an ordered unity. But it is rather that we believe that good is either social or it is not good at all. "Social good is thus such an ordering of our personality that we are driven to search for things it is worth while to obtain, that thereby we may enrich the great fellowship we serve."⁶

The conflicts between groups with the same industrial outlook and between groups with real dividing issues of interest, make necessary this development of the will for a voluntary solidarity; for there are destructive forces which would, if uncontrolled and undirected, wreck any hope of stable political organization and make impossible any hope of a saner social life. This ideal of solidarity has been interpreted on the principle of social justice so far as the conscious direction of politically-minded societies has been toward welfare. And the idea of solidarity has given the sanction required for the collective action of the State, which has meant in democracy the State realizing more definitely a moral purpose. The acceptance of a State-purpose has made more clear what is the will of the people; and the growth of higher conceptions of right and duty has enlarged the scope of what may be achieved for the common good. The acceptance of the fact of organized social purpose through the State does not in any way commit one to the belief in a directly operative social or "general" will making for social good, a view that immediately suggests the great names of Rousseau, of Hegel, of Green and Bosanquet. But rather we can find a closer agreement in the view that the social good consists in and emanates from the coöperative wills of individuals, each finding his own good in the common service. Mr. W. Y. Elliott, who has done distinguished service in opening up in a fresh way this whole problem, stated the point

⁶Laski, *A Grammar of Politics*, pp. 24-25.

clearly⁷ when he wrote that there seems "to be substantial agreement that the State is not that all-inclusive organic context of social relations and institutions which Bosanquet has hypostatized into a general will." It is then an ideal of the common social good which the State serves.

The purposes which have been sanctioned by the State have compelled new allegiance from men of good will who have felt the unifying power of the State in bringing all lesser good and all conflicting loyalties together. They have believed that only the State can establish a comprehensive social economy which ensures that no good thing be forfeited or lost. By so doing the State reasserts a moral supremacy which challenges detractors who condemn it as either impotent or as prejudiced. The will for the highest good and the sharing of a common purpose with men of good will have remade the State. A State with this ideal cannot become a servile State, for freedom is the condition of its service; and if democracy has the capacity to develop ideals of the good life under conditions of freedom it is not likely that for long it will lack imagination to escape the obvious perversions of political organization which defeat the purposes of freedom. Furthermore, the building up of definite means of control by legislation, education, self-government, and public opinion have helped to promote the belief that mankind can control its social destiny. The achievement of social institutions has directed study to the forces which make for the good society, and if we assume that a good society can be judged by the product turned out, the judgment which social justice renders would more and more tend to give recognition to rights of personality and direction to the efforts of the community.

II

The idea of progress is closely joined with the development of a creative State-purpose, the central idea of which

⁷See Mr. Elliott's review of Mr. Wilde's "The Ethical Basis of the State" (1925) in *The Nation*, New York, Vol. 121, No. 3140, September 9, 1925.

(the State serving a common moral ideal of justice and goodness) has authority as an increasing desire for a good life on the part of more people gives a power to public opinion, which in turn enforces its decisions through the instrument of the law. The significance of the idea of progress has been realized by those who see in the process the working of an unifying principle which would bring together in a consistent whole all social effort.⁸ The ideal of social justice is that unifying principle, which, as it unites the purpose of the individual with the State for the achievement of a common end, the highest good, more fully defines what is the nature of the good State and the good individual. That there is an interdependence between the two in the fulfillment of this moral purpose, becomes increasingly important as the power to conceive justly high aims is afforded to the individual and the State through experience and the will which shapes their aims toward the fullest social good. One eminent authority says, that

the dependence of State machinery on the requirements, feelings and opinions of society becomes even more apparent when we proceed to examine the *aims* of the State. The question as to the aims of the State is a necessary complement to the question concerning the nature of the State.⁹

When we thus understand the aims of the State to be for the highest good, loyalty to the State makes the closest bond between the citizen and the community a moral one. This highest good assumes a State that is positively concerned with justice for each individual and for all groups within its jurisdiction. Social justice, or, in this instance, the notion of corporate justice, corresponds in its turn

⁸Cf. J. B. Bury, *The Idea of Progress* (1918), a study which suggests that "a science of society" is a very modern idea, and that "in England this idea was still a novelty when Mill's *System of Logic* appeared in 1843" (p. 307). L. M. Bristol's *Social Adaptation* (1914), supplies a survey of sociology's contribution to this idea of a study of society.

⁹Sir Paul Vinogradoff, *Outlines of Historical Jurisprudence*, Vol. I (1920), p. 93, his italics.

to the belief that the corporate social organization, the State, held in equilibrium by the constitutional system,

is the highest type of organization because it is the image of the human personality, which is the image of God. The divine right of the king was the monarchical principle; the divine right of the people was the revolutionary principle; and the divine rule of the corporate life nationally organized, of which the individuals are participant members, is properly the constitutional principle.¹⁰

The effect upon the individual is, in the ideal, that

we learn to think of our political conduct in terms of the vast reverberation of consequences on thousands and millions of lives, great and lowly, present and to come.¹¹

Not that the average citizen and trade unionist concerns himself with the difference between the democratic or humanitarian view and the metaphysical view of the State.¹² But what is important is the faith that this citizen has in the political community, and the confidence which the

¹⁰Hauriou, *op. cit.*, p. xii. A much more extended interpretation of the social philosophy of M. Hauriou can be found in his *Précis De Droit Constitutionnel* (1923); especially pp. 42-52, for statement on the ideals of justice as determined by individual or collective action, and his incisive attack upon the "collective conscience" as the determining factor in collective evolution (p. 45); also pp. 191-194, for his five bases of modern democracy, emphasizing the moral qualities determining social and political progress.

¹¹L. T. Hobhouse, *The Metaphysical Theory of the State* (1918), p. 136.

¹²See Hobhouse, *op. cit.*, p. 137: "Here precisely lies the issue between the two views of the State. In the democratic or humanitarian view it is a means. In the metaphysical view it is an end. In the democratic view it is the servant of humanity in the double sense that it is to be judged by what it does for the lives of its members and by the part that it plays in the society of human kind. In the metaphysical view it is itself the sole guardian of moral worth. In the democratic view the sovereign State is already doomed, destined to subordination in a community of the world. In the metaphysical view it is the supreme achievement of human organization."

groups within its control have in the common rule of justice which its sovereign power enforces. This faith and confidence are what is essential if economic and political privileges are to be destroyed, giving the workers access to "the moral assets of the State."¹³

We would apply the same test of loyalty to the State for the group that is applied for the individual; and by this test the social value of the group may be determined, as, in the phrase of T. H. Green, it is for the individual, by "the power to make a common good his own." Not only has this test when applied to individuals and to group action not delimited the moral ideal of a perfect State, but has in reality given it a new birth of freedom. It has been made plain that democracy has the insight to comprehend a conception of the highest good and is capable of making great sacrifices for that good to be realized. "If the great majority of persons," M. Duguit declares, "do not have an opinion on what constitutes social solidarity, they have a sentiment, vague, but deep and perhaps real, of social solidarity, which gives a positive base to the rule of law."¹⁴ Even the tragic blunders of associative action, where the public has often suffered from the sharp intensity of a conflict of group interests have shown that

what makes and maintains states as states is will and not force, idea of a common good, and not greed or ambition; and that this principle cannot be overthrown by the facts of self-interest in ordinary citizens or of selfishness in those who mould the destinies of nations.¹⁵

¹³See Harold J. Laski, "The State in the New Social Order, *Fabian Tract* No. 200 (1923), p. 3. A critical statement of interest is Mr. W. Y. Elliott's "The Pragmatic Politics of Mr. H. J. Laski," in the *American Political Science Review*, Vol. XVIII, No. 2, May, 1924.

¹⁴*Traité de droit Constitutionnel*, Vol. I, 2ème ed. (1921), p. 55; also pp. 47-56, "Le sentiment de la socialité et le sentiment justice." The positivistic philosophy of law of M. Duguit, and his belief that organic social solidarity is the necessary source of law is fully given in Vol. III of the *Traité*, 2ème ed. (1923), *La Théorie Générale De L'Etat*.

¹⁵Bosanquet, *op. cit.*, pp. 273-274.

Thus a basis for the loyalty of the individual and the group to the State can be laid if we can be convinced that the will of the State is for the good of society and that its action has promoted the aims of the good life. This ideal demands that the State secure the coöperation of voluntary administrative boards, and the honest good will of groups before which the State can lay particular problems to be solved. Between the individual and the State we see no fundamental conflict of purpose, and a view of the State which would today maintain the reality of this conflict completely fails to estimate the moral advance of mankind in raising the standards of individual duty and of collective responsibility. There is implied a possibility of separating between individual and social interests, which must be denied; but "this does not mean that individual and social interests may not conflict, but that there are no individual interests with which society is not concerned."¹⁶ There is no such thing as a "wage fund theory of choice"; and this critic, writing in 1910, at the high point of the Liberal State-Pioneer program in legislation in England, declared that "actually if the State action is at all sensible, my opportunities for action, and therefore for choice, are greatly increased." Three years later, when the reaction against parliamentary interference had had a full literary expression as well as definite economic and industrial consequences, one who had helped to make articulate an important phase of the revolt, wrote, "that the liberty-fund theory is as untenable as that of the wages-fund."¹⁷ "The

¹⁶See A. D. Lindsay's *Introduction* (1910), to *Utilitarianism, Liberty, Representative Government*, p. xxii. In examining the principle of Lord Hugh Cecil's *Liberty and Authority* (1908), Mr. Lindsay stated the contrary view to his own to be as follows: "The only moral worth is in choice and spontaneity: government action destroys choice and therefore destroys moral action" (p. xxiii). A general social outline of this thesis is in Lord Hugh Cecil's *Conservatism* (1912).

¹⁷See G. D. H. Cole's *Introduction* (1913) to Rousseau's *The Social Contract and Other Essays*, p. xxxvi.

State exists and claims our obedience," he further stated, "because it is a natural extension of our personality."

In the search for freedom and in the hopeless confusion of conflict which has often arisen, we believe that it is evident that the State is a necessary instrument of promoting the highest good of the individual of good will. The progress of political ideas proves that the State is not a prejudicial tool of predominant economic or social groups. But by its power of lifting the issues of the day to a higher level of national importance the State educates the nation in tolerance and leads the way toward good will. The incompetent State is as unthinkable today as the omnicompetent State. But a far wider range of choice is allowed democracy. We are beginning really to believe that the State is what the people make it. And the attitude of the individual toward the State, as we have considered the new regard for human nature which an ideal of justice makes possible, can be one of loyalty, based on the moral appeal of the State that it will help in the fulfillment of the good purposes of the individual. This naturally involves a new estimate of the power of mutual loyalty between the individual and the State to change conditions for the good of society. It demands an individualism of good will acting in freedom, and it also demands a good will from the State inspired by a conception of service for the common good.

Ideals of the good life continue to stir individuals to their best work, and the community will gradually be fashioned in the image of the good man. The State cannot be unconcerned about the good society, nor is it, nor will it ever be again. There has been too commanding a challenge from all groups within the State that the conditions of life be juster, that more opportunity be allowed for the fulfillment of the best that is in mankind. It is the insistence of society on the satisfaction of the demand for the good life that gives importance to the struggle for a higher standard of life. It is thus certain that more and more the ideal of social justice will demand a social morality which will enable the community to get the best out of all individuals

and thereby help to bring in the full creative spirit of the good community¹⁸ This has suggested to one the classical period when the State

was not conceived as a kind of necessary evil to be tolerated for the sake of order and security. On the contrary, the Greeks attributed a positive aim to the State; it exists not merely to facilitate association, but to shape it; to help reasonable and strong-minded men in the pursuit of *welfare*. This is the proper sphere of the State, because the task of finding true welfare is out of the range of individual effort, but within the range and power of a political association.¹⁹

PART II. SOCIAL JUSTICE AND THE COMMUNITY

III

The importance of the individual in a study of social justice has been made clear, and the significance of the good individual raising the standards of social action has been stressed. There is now to be considered the demand of justice for the community as a whole, which is the test of the moral progress of society. In this regard it is well to note that the ultimate goal of social justice is the well-being of all the people. That is the basis of believing in a theory of progress for democracy, and, so far as the ideal of the common good can find a definite place in economic doctrine and political theory, social justice provides the ideal which can unify the forces making for progress in democracy. It lays down a principle by which private action and public policy may be judged. The principle applied is: Does individual action or public policy help or hinder in the realization of social good for the whole of the people? Is the good society brought closer to the world as it is today?

The interpretation of the principle is not easy, because of the complexity of modern social, political, and industrial

¹⁸Cf. Rollo Walter Brown, *The Creative Spirit* (1925).

¹⁹Vinogradoff, *Outlines of Historical Jurisprudence*, Vol. II. *The Jurisprudence of the Greek City* (1922), pp. 13-14, his italics.

organization, which creates the sharpest problems of personal and social duty. And at the same time a process of redefinition and revaluation goes on with reference to the rights of the group, the State, and the individual. Conflicts grow out of this complexity so serious and far-reaching in their consequences that the existence of governments is threatened; devastating effects of group warfare and class conflict at times almost overcome the constructive will of democracy to control and direct itself.

Such a condition of anarchy shows the need for a body of principles based on the ideal of social justice, which would tend to unify the aims of all within the community. The need becomes more evident when one considers the conflicts of industry, of trade, of groups which have become so powerful that their uncontrolled activity and collective selfishness—or, equally destructive, their unconscious social blindness—bring conditions approaching social anarchy and intolerable social discord. The attempt by the State to adjust conflicts fairly has made more definite the obligations of the State, yet it has shown that the administrative and legislative capacity of government have not been equal to the need. But the effort of the State and industry and labor to adjust themselves to these questions is significant of a will for justice, and constitutes a rough idea, as they conceive it, of a system of social justice. The attempts have been awkward, often useless, even provocative of social disturbances, yet behind the whole movement of these great social, political and economic forces has been at work the ideal of equitable relationships. If it has been often unconscious and less often clearly understood, it has meant at any rate an effort to bring about a socially just order of living. Rights have been more widely recognized, social duties of groups made more definite, and in settling the differences arising from conflicts there is more willingness to consider the general good. From such considerations it becomes a conviction that the higher the social and ethical organization of the State, as reflected in the demand for just relationships, the clearer is the ideal of social justice.

It is apparent, then, that though the problem for the State in intervening is a moral one where the good of the community is concerned, that there is a danger of the State defeating the purpose for which it originally is justified in taking action. This is made plain when the ethical basis upon which the political community coöperates with the individual is kept constantly to the front. It is a problem of freedom. It is ever present, for the individual is in relationship at all times with other individuals and with lesser groups within the large community. The State, representing the community good, must carefully determine where intervention can promote the aims of freedom. So it is that the adjustment of conflicting interests, protecting some and restraining others, carrying out principles of State control and discipline, is the problem of social justice. It constitutes also a moral problem for the State, for justice is the name for the moral obligation of the State, as distinct from the individual, with respect to the task of adjusting conflicting interests. "Since the State has this to do, it must find out how to do it. What *ought* the State to do with respect to these conflicts and how *ought* it to do it? These are the questions of social justice."²⁰

²⁰See T. N. Carver, *Essays in Social Justice* (1915), pp. 9-10, his italics. The problem of social justice, Professor Carver believes, "has to do with the internal economy of the nation rather than with its external relations. As to the individual, it has to do with his external relation with his fellow citizens rather than with his internal adjustments. Since the first duty of the State is to be strong in order that it may live, and since it must adjust the conflicting interests of its citizens, it follows that its duty is to so adjust these conflicting interests as to make itself strong. It must repress and discourage those interests of its individuals which conflict with its own, and it must support and encourage those which harmonize with its own. That is justice. In the most general terms, therefore, justice may be defined as such an adjustment of the conflicting interests of a nation as will interfere least with, and contribute most to, the strength of the nation." The view of Professor Carver has been often attacked because of its emphasis on the economic basis of social justice in the present system of capitalism, a view which he has greatly elaborated in his recent *The Present Economic Revolution in the United States* (1925).

Therefore, it must always be a necessary aim in the study of politics to note how far State action, with reference to the ideal of social justice, has been a factor making for a good social order. It is worthwhile trying to find out the extent to which the principles of social justice have been embodied in positive law and expressed in public administration, becoming the rule of justice enforced by the community. The rule of justice defined in positive law has become the test of the progress of law from "contract to community,"²¹ which, stated by another, means that "welfare as the aim of the State supposes the closest interdependence between social and political organization."²² In the modern State it is evident that the principles of social justice are to be realized through institutions, and, as the growth of democracy has gradually increased the functions of the State, social control has been administered through new institutions.

IV

With the increase of the functions of the State the problem of a good social order has been more insistently the supreme task of the modern democratic State. And, while the moral obligation of the State, the old problem of justice, is no new doctrine, the pressure for immediate reform has often made it impossible to understand the validity which it has come to have in the present social order. Yet a better social system is being realized within the State, because this century began with knotty problems of distributive justice stirring the imagination of economists more than any other problem, to consider "the uncertain permanence of our present social ideals."²³ But it has not been alone the demand for economic justice, in itself at times a subtle weapon

²¹M. T. Follett, *The New State* (1918), pp. 122-133; the idea is more fully developed in her *Creative Experience* (1924).

²²Vinogradoff, *op. cit.*, Vol. I, p. 97.

²³Alfred Marshall, *Principles of Economics* (8th ed., 1920), p. 46; also Book I, Chap. IV, reproducing a section from a "Plea for the

to defeat larger hopes of the working class and to postpone finer social blessings, that has brought nearer the ideal of human good to the ordinary every-day person. And yet the enthusiasm for reform has largely consumed the energy of those who have been concerned in the realization of a juster order. There have been too few "whose main concern is not with applications but with principles, not with institutions but with the ends that they serve."²⁴ This has caused a breakdown in a reasoned ethical insistence on reform, that at times almost stops the advance of idealistic forces in social politics. But it is evident that whenever there is a renewal of interest in the ethical foundation of relationships that the moral problem of State-purpose is revived, and that there is a wider interpretation of the principle of social justice which finds expression in many new directions. This fact gives substance to the belief that there is and that there must be such a thing as social justice, an ideal which demands that all the people share in the good things of life. The human appeal of this ideal formed part of the Treaty of Versailles, which declared that "conditions of labor exist involving such injustice, hardship, and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperiled," and that "universal peace can be established only if it is based on social justice."²⁵

Such a formal demand indicates the movement of reform which has produced a body of positive law and formulated policies of intelligent social administration, all of which indicate both the necessity of mankind controlling its social destiny and the consciousness of a power to do so. Social

Creation of a Curriculum in Economics and Associated Branches of Political Science," addressed to the University of Cambridge in 1902. Cf. F. W. Taussig, "Alfred Marshall," *Quarterly Journal of Economics*, Vol. XXXIX, No. 1, November, 1924, pp. 1-14, and A. C. Pigou's *Alfred Marshall* (1925), for an estimate of Marshall's influence on the study of economic problems.

²⁴L. T. Hobhouse, *The Elements of Social Justice* (1922), p. 13.

²⁵Part VIII, Sec. I, "Organization of Labour."

justice takes account of this consciousness of power which has become today a practical problem in government, for the people use the power given to them in government to experiment along economic lines. This experiment has helped to bring out into the open the struggle which goes on between groups within the State, and it has been necessary for the central authority to take an active part in deciding what the aims of control shall be. This struggle has often failed to bring to the front the best aims in social organization, but it has served the purpose of showing that social warfare rather than social justice has too often been the condition of progress. Thus the institutions created by modern industrial society lack a spirit of unity, and their competition has often been self-destructive, yet they are necessarily the institutions through which the new spirit of good will is to be expressed. That spirit is to be the deciding factor in determining who is to hold power in the future when the ideal of communal good is developed from the conflict of interests and sustained by an effective moral public opinion.²⁶ If the source of this power abides in opinion, and if democracy is capable of controlling its social destiny, there is great reason for directing the opinion of mankind to a study of principles by which a good society can be told from a bad society. The effort to understand these principles may bring a wider appreciation of the need of unity of aim among men of good will who seek a common ground for social action in their purpose of bringing in the good society. The importance of an unifying principle has been emphasized by Professor Hobhouse in his *Elements of Social Justice*, where he says that

the only valid principles are those that emerge out of our experience, and the function of the highest generalizations is to

²⁶See Bertrand Russell, *Prospects of Industrial Civilization* (1924), in which he says: "Tradition and habit, strong as they are, are diminishing forces in our kaleidoscopic world. Thus opinion becomes the decisive factor in determining who is to hold power in the future." An interesting discussion of the good life and the possibilities of its achievement is in Russell's *What I Believe* (1925), Chap. II.

knit our partial views together in a consistent whole. That our social efforts suffer from lack of articulate statement and rational coherence is only too palpable. To promote unity of aim among men of good will and lay a basis of coöperation between those attacking different sides of the social problem is a practical problem of the highest importance.²⁷

It is thus apparent that when just principles of social organization are known and have sufficient sanction to become expressed in law, the obligation so to express them is upon the State and the community, the powers of control and administration.

What ought the State to do? What ought the people to approve in the way of social control; what schemes of social control, what social institutions, what systems of economic organization, production, distribution *ought* to meet the approval of the masses of the people? This is the real question of social justice.²⁸

There is always this *oughtness*, for the moral obligation of the State compels it to apply principles of justice which promote the well-being of the whole people. This brings us nearer to the truth that social justice always implies that

social and political institutions are not ends in themselves. They are organs of social life, good or bad, according to the spirit which they embody. The ideal is to be sought not in the faultless unchanging system of an institutional Utopia, but in the lore of a spiritual life with its unfailing springs of harmonious growth unconfined. But growth has its conditions and the spiritual life its principles . . . the sum of which we call Social Justice.²⁹

We may then say, having in mind the duty of the State and the needs of the great community, that in the common good of the whole people is that social freedom which is the ideal of social justice, and that this ideal is powerful enough to direct the purposes of common effort.

²⁷*Op. cit.*, Preface. Miss Follett's recent study is very suggestive on this point, as is Professor Brown's *The Creative Spirit*.

²⁸Carver, *op. cit.*, p. 32, his italics.

²⁹Hobhouse, *op. cit.*, p. 13.

V

The power of this ideal is proved by the fact that, however difficult the task has been to establish principles of social justice, that there has been no lessening of the effort to attempt it. The need has showed insistent duties, the claims of which have strengthened the will of democracy to overcome difficulties by political organizations where it can be serviceable. The illusion of parliamentarism has been estimated, men have grown weary of politics, but there has been no abandonment of the ground gained by the common endeavor to raise the standards of life for the people. There has been, in fact, more of determination that the standards should be sustained and extended. And at the same time that there has been a growth of political consciousness in group movements, scientific studies have contributed to the ways by which the level of human existence can be lifted, and politics have helped to socialize the knowledge gained from economic investigation.³⁰ Reflected in the extension of political democracy the will of the people has defined the functions of the modern State, to which in turn show the degree to which this will is organized and the faith of the citizens in the State's capacity for social control. This faith is a condition of working out principles of democracy through a society dedicated to these principles; and, though perils and evils have been many, the will of the people expressed through the organized political community, the State, has been known more fully. As it has been better known, the conviction has been sure that the will of the people is for the good society. Only on this assumption can the years of struggle be understood by which the hope of the good society has been more intelligently expressed.

The question we can now raise is, How faith in democracy and hope for the order of society it can produce are related to social justice? They are related so far as the ideal

³⁰*Cf.* Hobhouse, *The Metaphysical Theory of the State*, pp. 11-25, "The Objects of Social Investigation."

of social justice helps to account for the reasonableness of the faith, and sustains the conviction that democracy and social justice are compatible. It has always been a keen, serious question whether industrial society was producing a stable community and a good individual. We have been too indifferent to the problem of freedom in our industrial civilization, and we are just now beginning to understand the importance of high social ideals in the work of the State. The aims of the State are everywhere under a test of an ethical ideal. The attempt is being made to see how effective politics and industry have been in creating "the good society" and the "good individual" by applying an ideal of community good which we have called the ideal of social justice. Political purpose has today a commanding power when its aims are just, and these aims must look not only to a justice in the present order, but provide for all men of good will the incentive to believe in an order in which the creative will for justice is a more natural, a more generous compulsion upon all men. An ideal of the common good has a determining influence in the politics of democracy, which gives insight into the present aims of the State and of the groups within the State. The changing moral content of the purpose of the coöperative will of the State is convincing testimony of democracy's capacity to use ideals, and to be led by those ideals to demand a better individual and a finer community.

The ideal of social justice has become more definite, because enlarging demands have interpreted social needs and defined the ideals of social progress under conditions of freedom—a freedom that recognizes the rights of the individual, the new power of community life, the rights of groups within the State, and the right of the State to express the common purpose for the highest good for all.

GEORGE FITZHUGH ON THE FAILURE OF LIBERTY

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Political and social theory may be studied from several points of view. We may be interested only in solving current problems, or we may be concerned with the pursuit of philosophy, having little care for its relation to things practical, or we may desire to trace out the history of such theories. If either of the first two points of view be desired, it is entirely correct to select out of the mass of available material such part as best suits one's wishes and ideas, but if the subject be the history of political and social theory, the selection must be on the basis of the importance of the theories in their own time rather than upon that of our present need of or interest in them. In the history of American theory, for example, the reading of the few masterpieces thus far produced frequently throws but little light upon the ideas of periods when thought upon such subjects was active and important developments were taking place. In several cases the more pretentious and systematic works were of little significance when written, and their canonization by scholars who come long afterwards does not increase their popularity or influence or make them more representative of their own period, nor does it detract from the contemporary fame of long since forgotten pamphlets or books. And it is primarily in the third of these fields that this essay is written. Its subject is the theory of one of the neglected controversialists of the pro-slavery movement in the ante-bellum South, especially in so far as this theory bears upon the problem of liberty, a problem that is ever-present and one that was of particular importance during the decades preceding the Civil War. References to his writings are not infrequent, but, partly because they represent the point of view of a lost cause, partly

because of their exaggerations, they have never been treated very fully or very seriously.

And surely George Fitzhugh, for all of his erratic and even conflicting notions, and despite the fact that certain of his most important theories were at variance with those of most of his contemporaries, is representative of an important body of southern thought during the years immediately before the war between the States. Born in Prince William County, Virginia, in 1807, a descendant of one of Virginia's oldest families, trained to the law and long engaged in its practice and application as a lawyer and judge,¹ he was one of the first men of his State and section to put forth a vigorous and systematic defense of the institution of domestic slavery.² Nor was he content merely to justify slavery, for he proceeded to develop a rather complete body of political, social, and economic doctrine upon and about this foundation. All of his most important theory is to be found in the two volumes, *Sociology for the South, or the Failure of Free Society*, and *Cannibals All, or Slaves Without Masters*, published in Richmond in 1854 and 1857, respectively; but some of his articles in the periodicals of the time should not be neglected, particularly those appearing in *DeBow's Review*, for which, after 1854, he was one of the most prolific and popular writers.³

¹Very little about his life has been printed. The available material is included in the following: Appleton's *Cyclopedia of American Biography*, II, 474; *Virginia Magazine*, IX, 102; *Virginia Cyclopedia of Biography*, II, 228. Fitzhugh moved to Texas several years after the Civil War and died in Huntsville, Texas, July 29, 1881.

²His earliest writings on this subject appeared in local papers in 1849. Several of them are reprinted in the Appendix of *Sociology for the South*.

³The number and variety of his articles is frequently astounding. For example, in Volume XXIX (July-December, 1860), of *DeBow* he wrote the following: "Modern Civilization"; "Our Athenian Friend"; "Frederick the Great, by Carlyle"; "The Declaration of Independence and the Republican Party"; "Family History and the Philosophy of Names"; "German Literature"; "The Siege of Ismail"; "Milton, Byron and Southey"; "Small Nations"; "The Domain of Fashion"; "Blackwood."

II

Before beginning an examination of his theories it is well to notice the written sources from which he drew. At a time when the level of general culture among the upper class was high, he was easily one of the best read men of his section, especially in contemporary literature. He not only read and quoted Locke, Adam Smith, Paley, Montesquieu, Blackstone, and the like, but he also was fully aware of current developments in economic, political, and social thought in Europe. He was acquainted with the writings of John Stuart Mill, he greatly admired Carlyle, and he gave high praise to all of the leading contemporary English reviews—*Edinburgh, North British, London Quarterly, Westminster, and Blackwood's*.⁴ During Buchanan's administration, when he was in the Attorney-General's department, he made his only trip to the North, delivering a series of lectures and visiting his relative by marriage, Gerrit Smith. There he met Harriet Beecher Stowe and other representatives of the abolitionist cause. On his way back, in New York, he happened to get hold of a copy of Aristotle's *Politics*, which seems to have done more to strengthen his faith in his previously expressed theories than any other work he ever read. In short, his literary and personal contacts were both extensive and diverse. It must be admitted, however, that he rarely employs them except as targets or as buttresses for his own ideas.

Most striking in his general point of view is his belief that the teachings of philosophers are always false. They "are the most abstracted, secluded, and least observant of men, . . ."⁵ hence their premises are unsound and their conclusions are misleading. "There is not a true moral philosophy, and from the nature of things there never can be. Such a philosophy has to discover first causes and ultimate effects, to grasp infinitude, to deal with eternity at

⁵*Sociology for the South*, 10.

⁴See his article in *DeBow's Review*, XXVIII, 392, on "The English Reviews."

both ends. Human presumption will often attempt this, but human intellect can never achieve it." A thorough-going acceptance of this notion could but mean the death of all forms of philosophy, political and social as well as moral. Fitzhugh has seemingly left himself no loophole through which to escape, no justification for expressing the sweeping generalizations he is about to express. But he needs none; he simply ignores his own premise and goes on to say, with admirable modesty and restraint, "We shall build up no system, attempt to account for nothing, but simply point out what is natural and universal, and humbly justify the ways of God to man."

The real point to his attack on the philosophers is his objection to what he considers their *a priori*, and, if I may use a term much over-used of late, unscientific methods. The true method, he asserts, is the empiric, that is, one based upon careful study and observation. "When society has worked long enough, under the hand of God and nature, man, observing its operations, may discover its laws and constitution."⁶ The common law and constitution of England are such discoveries, as are the institutions of his own State, and it is his claim that the theories which he expounds are based upon such observation rather than upon mere abstract speculation.

III

The core of his argument is to be found in his support of domestic slavery, but he does not content himself with a defense of this institution or of the entire social system of which it is an essential part. "The South takes the offensive" in his works in a fashion that has never been surpassed, at least in its denunciation of non-southern institutions and practices. The whole theory of free society is

⁶"The world is beginning to be satisfied, that it is much safer and better to look to the past, to trust to experience, to follow nature, than to be guided by the *ignis fatuus* of *a priori* speculations of closet philosophers." *Ibid.*, 183.

the subject for his attack, and since he believes that political economy "is the science of free society," he never falters in his condemnation of that branch of learning. Its fundamental maxims, he says, are *laissez faire* and *pas trop gouverner*. It sprang up with the disappearance of slave society and the rise of the evils of free society.⁷ Neither economics nor sociology could have existed during the vast period in which slavery was universal for the simple reason that there was then no need for them. They arose to account for and to try to heal the diseases of the social order which are not found in a system built around the institution of slavery.⁸ Slave society is and has ever been in so happy a condition that no doctors have been called for. This is true because slavery is natural, free society unnatural. "Slavery has been too universal not to be necessary to nature, and man struggles in vain against nature."⁹ This is especially true where an inferior race is in question. Negroes are not free "because God and nature, and the general good and their own good, intended them for slaves. They enjoy all the rights calculated to promote their own interests, or the public good."¹⁰

For the physician-in-chief to free society, Adam Smith, he has nothing save unfavorable criticism. "For writing a one-sided philosophy, no man was better fitted. . . ."¹¹ He possessed extraordinary powers of abstraction, generalization, and analysis. He was absent, secluded, and unobservant and knew only the prosperous and progressive portion of society. He did not understand or deal with the problem of labor. Seeing that free trade would benefit his world, he did not stop to inquire what it would mean to the working class. In contrast to his lack of advantages for adequately observing the true nature of the social order is the position of the men of the South who "possess peculiar

⁷*Ibid.*, 7.

⁸*Ibid.*, v.

⁹*Sociology for the South*, 71; see also *ibid.*, 81, 178.

¹⁰*Cannibals All*, 116.

¹¹*Sociology for the South*, 10.

advantages when they undertake discussion. History, past and contemporaneous, informs them of all the phenomena of other forms of society, and they see every day around them the peculiarities and characteristics of slave society, of which little is to be learned from books."¹²

The general thesis of his works is, then, that the best of all possible institutions for civilized society is slavery, that is, "a community governed by one head, and where both master or director, and those whom he governs, act and react on each other by the consciousness of mutual dependence, affection, and mutual interests."¹³ In elaborating the thesis of *Sociology for the South*. Reprinted in *DeBow's Review*, XIX, July, 1855, 29ff.

upon this thesis he enters into an elaborate and frequently heated attack upon the theory and practice of free society. Its moral code is highly objectionable, for it is one of "simple and unadulterated selfishness."¹⁴ It holds that the public good is best promoted when each man looks solely to his own pecuniary advantage. It leads to a war of wits quite as destructive and harmful to the weak as the war of the sword. It arrays capital against labor, thus begetting a terrible war in the bosom of society. Where the Bible teaches the doctrine of self-denial and brotherliness, political economy teaches self-aggrandizement at the expense of whoever stands in the way. The weak, the simple and the poor are sacrificed in the competitive scheme of things for the advantage of the strong, shrewd, and rich. The contention of Hobbes that a state of nature is a state of war is wrong—men are naturally associative—but it is true of a civilized state of complete liberty and free competition.¹⁵ The system that prevails in western Europe and in the northern States of America is not an ancient one; it has been tried in but one small part of the world and for only a few centuries. Even there, under the most favorable

¹²*Ibid.*, iv.

¹³From a review in the *Charleston Mercury* shortly after the pub-

¹⁴*Sociology for the South*, 20.

¹⁵*Ibid.*, 32.

conditions, it has been a disastrous and appalling failure.¹⁶

The best evidence of this failure is to be found in the writings of the leaders of thought in England and in the North. The socialists and communists, the chartists, men like Carlyle, Newman, Dickens, and Bulwer, all attest its complete lack of success.¹⁷ Fitzhugh agrees with the destructive criticism of the socialists and communists—it is the remedy that they prescribe with which he is not in entire accord. "Our only quarrel with socialism is, that it will not honestly admit that it owes its recent revival to the failure of universal liberty, and is seeking to bring about slavery again in some form."¹⁸ He asserts that Carlyle, "the profoundest thinker who writes the English language," sees the necessity of strong government, and even of slavery, and, indeed, that the only real difference between his theories and those of southern slaveholders is the definiteness with which the latter advocate a general return to domestic slavery, "the oldest, the best and most common form of socialism."¹⁹ Furthermore, all of the distinguished abolitionists of the North are agreed that their own social system has failed and that radical changes are needed.²⁰ Their difficulty is in agreeing upon a substitute. Being enchanted with the magic word "liberty," they are unable clearly to see the way out; they can only deal with approximate millenniums that are unworkable combinations of communism, free love, and license. The real solution is to be found in a socialism of associated labor, and this cannot be effected until men give up their liberty of action and subject themselves to a common ruler—that is, until they adopt a social system like that of the South. A system of private ownership of small tracts of land may be best, or at least tolerable,

¹⁶*Ibid.*, 70.

¹⁷*Ibid.*, 43-44. *DeBow's Review*, XXI, July, 1856, 90.

¹⁸*Sociology for the South*, 70.

¹⁹*Ibid.*, 72.

²⁰*Cannibals All*, xvi. This was written after he had taken the trip to the North, that has been referred to, and had talked with a number of leaders of the anti-slavery party.

for new or sparsely settled countries where all laborers can obtain good wages, cheap rents, and adequate food and clothing, but in densely settled countries this becomes an intolerable slavery to capital unless the laborers are subjected to domestic slavery.²¹ Nor does he believe that this applies only to the negro race. There are times when white people need protection from powerful capitalists, even as do the weaker negroes. And then, in seeming contradiction to earlier expressed theories, he argues that because the white race is composed of the noblest and most intelligent people, those best suited to perform the routine duties required by law, religion, parents, masters, and kings, therefore they will be the best slave race.²² Where a few men own the soil, a condition which soon arises in free society, they have unlimited power over the others until domestic slavery comes in to compel them to permit the balance to draw a sufficient and comfortable living from the earth. "Free society asserts the right of a few to the earth—slavery maintains that it belongs, in different degrees, to all."²³ In short, only under slavery are the weak provided for, not according to their capital, but according to their needs.²⁴

IV

On the whole, Fitzhugh's theory of politics follows consistently from his main contention. If the foundation of his society is to be one in which liberty for the masses is abolished in order that they may be more adequately cared for than would be possible under a system in which each man must look out for himself, so in his political order would the purpose be to secure good government for the people rather than government by or of the people. Thus we find him saying that

²¹*DeBow's Review*, XXV, December, 1858, 658-659.

²²*Ibid.*, 662-664; *cp.* DeBow, XXIII, October, 1857, 339.

²³*Cannibals All*, 31.

²⁴*Sociology for the South*, Appendix, 245ff.

"Liberty is an evil which government is intended to correct. This is the sole object of government. . . . With thinking men, the question can never arise, who ought to be free? Because no one ought to be free. All government is slavery. The proper subject of investigation for philosophers is, 'Is the existing mode of government adapted to the wants of its subjects?'"²⁵

As government is divine in its nature and functions, so is it natural and divine in its origin. Governments are not made by man: "all government is the gradual accretion of nature, time, and circumstances."²⁶ He is so extreme in his opposition to the mechanistic view of governments that he asserts that the Federal Constitution "is by far the most absurd and contradictory paper ever penned by practical man", since it is an attempt to make a government.²⁷ There is no doctrine of moral science that has been more pregnant of mischief than the individualistic social contract theory of Locke. Man is not naturally an entity; like the bees and ants he is gregarious and associative. "An isolated man is almost as helpless and ridiculous as a bee setting up for himself. Man is born a member of society and does not form society. Nature, as in the cases of bees and ants, has it formed for him. He and society are congenital. Society is the being—he one of the members of that being. He has no rights whatever, as opposed to the interests of society, and that society may very properly make any use of him that will redound to the public good. Whatever rights he has are subordinate to the good of the whole; and he has never ceded rights to it, for he was born its slave, and had no rights to cede.

"Government is the creature of society, and may be said

²⁵*Ibid.*, 170.

²⁶*Cannibals All*, 358. Seemingly inconsistent with this theory of the organismic growth of society is his statement that "All governments must originate in force. . . ." *Ibid.*, 353. However, he never attempts to reconcile these two theories, if, indeed, he considered them not to be harmonious.

²⁷*DeBow's Review*, XXX, 157.

to derive its just powers from the consent of the governed, but society does not owe its sovereign power to the separate consent, volition or agreement of its members. Like the hive, it is as much the work of nature as the individuals who compose it. Consequences the very opposite of the doctrine of free trade, result from this doctrine of ours. It makes each society a band of brothers, working for the common good, instead of a bag of cats, biting and worrying each other. The competitive system of antagonism and war; ours of peace and fraternity. The first is a system of free society, the other that of slave society. The Greek, the Roman, Judaistic, Egyptian, and all ancient polities, were founded on our theory. The loftiest patrician in those days, valued himself not on selfish, cold individuality, but on being the most devoted servant of society and of his country."²⁸ In other words, the law of nature, as interpreted by Fitzhugh of Virginia, teaches the evils of the old American doctrine of the natural rights of individual men; to him it teaches that the individual is nothing, the State everything.

Some political philosophers of the past few centuries have made the tremendous error of holding that a frequent return to fundamental principles is to be desired. This doctrine is one "fit to be sported by the isms of the North and the Red Republicans of Europe. With them no principles are considered established and sacred, nor will ever be."²⁹ Such philosophy is dangerous. The only sound way by which the results they seem to desire can be obtained is by long study of the laws of nature and by experiment, not by revolution or even sudden changes of a peaceable kind.

"Moses and Confucius, Solon, Lycurgus and English Alfred were Reformers, Revisors of the Code. They, too, were philosophers, but too profound to mistake the province of philosophy and attempt to usurp that of nature. They

²⁸*Sociology for the South*, 25-26.

²⁹*Cannibals All*, xiv.

did not frame government on abstract principles, they indulged in no *a priori* reasoning; but simply lopped off what was bad, and retained, modified, and simplified what was good in existing institutions. . . ."³⁰

Our guiding rules, then, should be empirically derived laws of nature. These teach us that the world wants not liberty but good government and plenty of it.³¹ In fact, the only real natural right of man is the right to be taken care of and protected; "to have guardians, trustees, husbands, or masters; in other words, a natural and inalienable right to be slaves."³² It is only the very exceptional person, about one in twenty, that is born for liberty and command. The abstract principles of the Declaration of Independence and the Virginia Bill of Rights are "at war with all government, all subordination, all order."³³ The natural inequalities of men can but mean that they must have inequalities of rights. "Nature has made them slaves; all that law and government can do is to regulate, modify, and mitigate their slavery."³⁴

After quoting definitions of liberty by Paley, Montesquieu, and Blackstone, he concludes that their liberty is a mere modification of slavery.³⁵ Each of them is in pursuit of good government, not of liberty, for "each of them proposes that degree of restraint, restriction, and control, that will redound to the general good. . . . Government presupposes that liberty is surrendered as the price of security. The degree of government must depend on the moral and intellectual condition of those to be governed." In short, "Liberty is unattainable; and if attainable, not desirable."³⁶ The liberties of which Blackstone boasts belong to the

³⁰*Sociology for the South*, 183.

³¹*Ibid.*, 30-33. *Cannibals All*, 97ff.

³²*Cannibals All*, 102-103.

³³*Sociology for the South*, 175.

³⁴*Ibid.*, 178. Incidentally he was not a believer in prohibition: it is a law of nature that men will get drunk. *Ibid.*, 73-74.

³⁵*Cannibals All*, 115.

³⁶*Ibid.*, 117.

masses of Englishmen almost not at all: "They are slaves without masters." And those who take for granted the existence of liberty in a democratic country are entirely misguided; liberty does not follow from democracy; to the contrary the two "are antagonistic; for liberty permits and encourages the weak to oppress the strong, whilst democracy proposes, so far as is possible, to equalize advantages by fairly dividing the burdens of life, and rigidly enforcing the performance of every social duty by every member of society, according to his capacity and ability."³⁷ Plato and Aristotle believed that this is precisely what democracy does not secure, but it is nevertheless evident that Fitzhugh is, without knowing it, in entire agreement with their theory of distributive justice, of equal treatment for equals.

Since he opposes the mechanistic interpretation of political society it is not surprising that he has no sympathy for materialistic theories. History affords not a single example to support the notion of our ancestors that a people may be moral or a government stable where religion is not recognized by law.³⁸ "Religion is the cornerstone of government; its whole fabric rests upon it."³⁹ But this is not to say that all States should have the same religion or that all people in each State should be forced to perform the same ceremonial rites. In such matters one should not lay down abstract principles of guidance in advance; it is necessary to know thoroughly the characteristics and problems of the society in question before laying down any set rules. The kind of philosophy that would attempt to govern such matters by hard and fast rules has always failed when applied to actual government. "Philosophy will blow up any government that is founded on it. Religion, on the other hand, will sustain the governments that rest on it."⁴⁰

Although Fitzhugh never says very much about the form that a government should take, deeming this an idle if not

³⁷*Ibid.*, 123.

³⁸*Sociology for the South*, 114.

³⁹*DeBow's Review*, XXXII, October-November, 1861, 371.

⁴⁰*Ibid.*

a dangerous pastime, he does assert that representative government is the best, indeed the only tolerable form of government. But paid, elective government departs very far from this. He uses a theory almost the same as that employed by Hobbes to defend the institution of absolute monarchy to argue that ideal representative government is that of the father or of the monarch of a small nation, for in such cases the ruler can truly represent his subjects because there is no separation of desires—the public and private interests are too closely united.⁴¹ His point of view is further illustrated by his statement that the early Roman aristocracy and the English feudal baronage are among the best examples of representative institutions.⁴² On the other hand, a member of Congress represents nothing save himself and a little clique attached to him. Here the interests of the governors is antagonistic to that of the governed. As a result, the government has become rotten, corrupt and extravagant.

V

The general nature of Fitzhugh's economic and social theory has been dealt with—his identification of political economy with the doctrine of *laissez faire* and his consequent opposition to all of the teachings of the economists, his belief in the organic nature of the social order, and his contention that only slavery could remedy the evils caused by the growth of free society. But these by no means exhaust the list of economic and social ideas developed by this prolific theorizer.

In connection with a discussion of the contemporary subjection of "free" labor to capital, he says that "legislators and philosophers often puzzle their own and other people's brains in vain discussions as to how the taxes shall be laid, so as to fall on the rich rather than the poor. It results from our theory, that as labor creates all values, laborers

⁴¹Cf. Hobbes, *Leviathan*, part II, ch. 19.

⁴²DeBow's *Review*, XXVIII, 523.

pay all taxes, and the rich, in the words of Gerrit Smith, 'are but the conduits that pass them over to government.'

"Again, since labor alone creates and pays the profits of capital; increase and accumulation of capital but increase the labor of the poor, and lessen their remuneration. Thus the poor are continually forging new chains for themselves."⁴³ A Marxian labor theory of value from a southern slave owner! So desirous is he of showing the need of caring for the laboring class rather than setting them to seek their own economic salvation by competition, that he refuses to see anything except harm to them in an increase of capital; that is, of course, unless a system of slavery exists. That they might get more absolutely if less relatively therefrom is not mentioned. The only place for competition is between the non-laboring classes. For the professional, mercantile or upper mechanic classes it is not only not injurious but positively necessary to the advance of civilization.⁴⁴ In the South the good results of competition are secured without the evils found in the North and in Europe. Furthermore, he holds that this competition, so far as is possible, should be between the inhabitants of the same country.⁴⁵ His ideal for the world seems to be an order of small self-sufficient States, independent politically, but—and this is much more important in his opinion—also so independent commercially as to require few importations from outside. Particularly does he oppose the kind of economic dependence which follows from a system of exclusive agriculture. "The profits of exclusive agriculture are not more than one-third of those realized from commerce and manufactures. The ordinary and average wages of laborers employed in manufactures and mechanic trades are about double those of agricultural laborers. . . . But this consideration, great as it is, shrinks to insignificance compared with the intellectual superiority of all other pursuits

⁴³*Cannibals All*, 50. It is significant that the illustration he uses to support this contention is taken from Proudhon.

⁴⁴*DeBow's Review*, XXIX, 62.

⁴⁵*Sociology for the South*, 16-20.

over agriculture."⁴⁶ He later develops this theory so far as it applies to conditions in the South. His own section, he believed, needed to "vary and multiply her pursuits, consume her crops at home, keep her people at home, increase her population, build up cities, towns, and villages, establish more schools and colleges, educate the poor, construct internal improvements, carry on her own commerce, and carry on that if possible with more southern regions: for the North, whether in Europe or here, will manufacture for, cheat her, and keep her dependent. She would manufacture for the far South, and get thus profits and advantages that are now extracted from her by the North."⁴⁷ Upon these things depends her future; do them and "she will be rich, enlightened, and independent, neglect them and she will be poor, weak, and contemptible. Her State Rights doctrines will be derided, and her abstractions scoffed at."⁴⁸

Quite in keeping with his plea for diversification rather than sectional or national specialization is his belief in the old theory of the balance of trade.⁴⁹ Holding that "the local advantages of the [favorable] balance of trade have been grossly underrated by its warmest advocates," he asserts that the economists who teach that the way to get rich is to buy more than one sells, are neglecting common sense in favor of abstract reason based upon narrow and insufficient premises. He goes on to argue that a local increase of currency results not in a corresponding increase in prices but an increased prosperity due to the use of such money in productive schemes.⁵⁰

His general economic doctrine is pretty well summed up in the chapter entitled "The Association of Labor."⁵¹ The Socialists, he says, are entitled to the gratitude of mankind

⁴⁶*Ibid.*, 17.

⁴⁷*Ibid.*, 158.

⁴⁸*Ibid.* See also ch. I.

⁴⁹*Ibid.*, 118ff.

⁵⁰*Ibid.*, 120-121.

⁵¹*Ibid.*, 161ff.

for displaying in a strong light the advantages of the association of labor. Adam Smith, in his treatise on the division of labor, almost stumbled on the truth, but he stopped before attaining it. The division of labor is a curse to the laborer without the association of labor. Division merely makes tasks more irksome and separates the interests of the head of the business from those of the employees. It is because the South employs the true association of labor that the work of the negro has been so productive.

"The industrial products of black slave labor have been far greater and more useful to mankind than those of the same amount of any other labor. In a very short period the South and Southwest have been settled, cleared, fenced in, and put in cultivation, by what were, a century ago, a handful of masters and slaves. This region now feeds and clothes a great part of mankind; but free trade cheats them of the profits of their labor. In the vast amount of our industrial products we see the advantages of association—in our comparative poverty the evils of free trade."⁵²

VI

Two other examples of Fitzhugh's almost endless theorizing have a bearing on the general problem discussed in this paper. The first is his view of marriage and of the place of women. On this as on nearly every other question, he believes that the South has retained true institutions while those of the North have become perverted.⁵³ In the South marriage is a Christian ordinance as well as a civil contract; in the North it has become "a mere bargain, like the purchase of a horse, with the difference that the wife cannot be swapped off—hence, when they get tired of her they knock her in the head." With the growth of wife-murder comes an assertion of the right of women to "liberty, independence, and breeches." To a man who believes that the status of the wife is akin to that of the slave, a claim to

⁵²*Ibid.*, 163.

⁵³*Ibid.*, 113.

"women's rights" naturally finds little sympathy. Rights to what, forsooth? Do they not have the sense to see that men will put them to work once they cease to require and demand protection? Woman was not meant to be a free creature: "her weakness is her strength, and her true art is to cultivate and improve that weakness."⁵⁴ Her one real right is to protection as her obligation is to obey. He not only realizes that the women of the South are clinging vines, but greatly desires that they continue so to be. "We would infinitely prefer to nurse a sickly woman, to being led about by a masculine blue stocking."⁵⁵ True women lack even the boldness and originality to write poetry. All except Sappho, and Sappho was either a man or a myth.

The other subject that should be mentioned here is his attitude toward education. Freely admitting that the South has not adequately cared for its poor whites in this respect, he argues for an extension of the school system so as to make it possible for all of them, sooner or later, to be employed in non-menial labor which should be reserved for negroes.⁵⁶ Nor would he have education stop with attendance at a public school over a period of years—the wide circulation of newspapers is an essential to public enlightenment. "The meanest newspaper in the country is worth all the libraries in Christendom. It is desirable to know what the ancients did, but it is necessary to know what our neighbors and fellow countrymen are doing."⁵⁷ This was long before the days of Mr. Hearst.

Incidentally, he believes that education would cause the poorer whites to begin to look with much more favor on the institution of negro slavery. "Like the Roman citizen, the southern white man would become a noble and a privileged character, and he would then like negroes and slavery, because his high position would be due to them."

⁵⁴*Ibid.*, 214.

⁵⁵*Ibid.*, 217.

⁵⁶*Ibid.*, 144-148.

⁵⁷*Ibid.*, 146.

VII

There remains to be considered the effect of the Civil War upon Fitzhugh's theories of liberty. When he saw the structure that he had defended go down in defeat before the degenerate North, did he see the error of his views and mend his system of politics to the extent that would be necessary to bring it into accord with the changed order of things? No more than Aristotle changed his theory of the proper size of the State as a result of the great changes which were made in the Greek world before his death. Like the father of political science, Fitzhugh continues to believe that the only sources for a true theory of society are nature, history, and experience. If a system supported by these authorities is defeated by one built upon the ideas of a group of fanatics it proves nothing except that the world is upon a misdirected course. Thus he holds in 1867, as in 1854, that political economy and *laissez faire* are the same and that political economy is the work of learned asses or of swindling quacks.⁵⁸ And in his "Essay on the Excess of Population and the Increase of Crime and Pauperism" in the same year, he says that instead of leading to a blissful life, liberty, equality and fraternity are bringing crime and poverty, especially in the strongholds of freedom and abolitionism—New York and Massachusetts.⁵⁹

As he had argued "before the war" that democracy and liberty are incompatible, he now urges the theory that the advance of civilization inevitably results in a decrease of liberty, "because laws become more complex and numerous, public opinion more stringent and dictatorial, religion and morality more dominant and restrictive, fashion more exacting in its requirements, human wants and luxuries more numerous, and the labor needed to supply them greater. Hence it will even be found that in large cities the great centers and foci of civilization there is least of liberty."⁶⁰

⁵⁸*DeBow's Review* (new style), III, January, 1867, 52.

⁵⁹*Ibid.*, February, 1867, 134.

⁶⁰*Ibid.*, I, March, 1866, 250.

How idle, then, to speak and act as if an amendment or two to the Constitution could bring freedom to the laboring man. Why their very trades unions are simply "another fashionable and most efficient way of parting with liberty in order to beget security." Perhaps that is why Fitzhugh approved of them so highly.⁶¹

When he comes to consider "What's to be done with the negroes?" he returns to his theory that not only custom but also divine and natural law have made the negro inferior to the white race.⁶² They must have masters, whether they be slaves or freemen, otherwise they will perish. Negroes are really not suited to a system of private property in land, for they are really the enemies of property.⁶³ Nature never intended black and white to live together save in the relationship of slave and master. The negro will, if not prevented by a system of strict control, abolish private property and institute agrarianism [communism]. And in yet another essay, written a year later, he declares that freedom has been a failure for negroes in Virginia because of their wild natures.⁶⁴

In addition to the wage slavery that is taking the place of domestic slavery, there is the fast growing debtor-creditor relation.⁶⁵ Strangely enough, Fitzhugh conceives of this as being not injurious to the health of the social system as in the case of wage slavery, but positively beneficial. Lacking the slavery that made progress possible in ancient times, private debt is now the sole great engine that "propels

⁶¹*Ibid.*, 251.

⁶²*Ibid.*, I, June, 1866, 577. He adds: "This question would be easy enough to answer if the radical leaders of the North, who have almost entire control of the subject, possessed one vestige of faith: faith in the past, in the prescriptive, in human nature, in human experience, in human laws and institutions, in human habits and customs, in legal analogies, in divine commands; in fine, had they faith in anything." But they needs must be rationalists and so miss the truth of all ultimate realities which are super-reasonable.

⁶³*Ibid.*, V, February, 1868, 136.

⁶⁴*Ibid.*, III, 166, February, 1867.

⁶⁵*Ibid.*, II, 399, October, 1866.

the car of human progress."⁶⁶ The more progressive societies are those where paupers abound, where there are heavy taxes, where property is owned by a few, in short, where the masses are forced to work. And this in spite of his statement of just a year before that "To be liberated from domestic slavery, only to be remitted to slavery to skill and capital, is the greatest curse that can possibly be inflicted on human beings."⁶⁷

But if the Civil War brought much that was bad it seemingly brought one thing that was good—war itself. Peace long continued, we are told, "makes men love money, greedy of gain, selfish, low-minded, effeminate, and sensual." It really begets universal war—exploitation. "All history shows that over-pacific individuals, sects, and nations become knavish, cowardly, mean, and contemptible, depraved in morals and in intellect, and finally the easy prey of more warlike, virtuous, and intelligent peoples. Sodom and Gomorrah, with all their crimes and sensuality, were but the legitimate outgrowths of peace long continued."⁶⁸

VIII

If any American writer invites paradoxical comment, George Fitzhugh does. Completely repudiating political economy and all of its works, he was himself an economist of some significance and of remarkable versatility. Denying the applicability of philosophy to problems of social and political life he proceeded to engage in endless theorizing about just such problems. Opposing all social and political ideas not based upon careful and unbiased study of the issues and facts involved, he is obviously actuated and guided largely by certain predispositions peculiar to his section and class. And yet such generalizations as these are neither conclusive nor entirely fair to him. There are many important paradoxes of this kind and not a few foolish

⁶⁶*Ibid.*, March, 1868, 293.

⁶⁷*Ibid.*, III, 352.

⁶⁸*Ibid.*, I, 75-77.

statements to be found in his work, but they do not explain away the soundness of certain of his conclusions or the flashes of prophetic truth which are not infrequently met with in his striking prose.

Take, for example, his strange admixture of admiration and abhorrence for the capitalistic system. After all, was it not the undoubted evils of that order which he declaimed against? In the eighteen-fifties very little had been done to improve the condition of the industrial laborer. Fitzhugh was not unique in seeing these evils, but he was rather exceptional in so doing, especially in view of his residence in a non-industrial society. And he certainly recognized the benefits to society potential in a reconstructed industrial regime. Only a very few forward looking men of his section were able to do this. At a time when the South was almost exclusively agricultural he had the foresight to see that she could never be the equal of the North until this condition was changed. And at a time when the leaders of southern politics were contending for free trade in order that the South might profit by her agricultural products he advocated the abolition of free trade and the substitution of a system calculated to develop economic independence from the North and from Europe. Nor were there many of his caste who were able to recognize the advantages to be obtained from public free education for the poor whites.

In the method he advocated for the study of political and social problems he anticipated by a generation the prevailing tendency of the present time. President Goodnow saw fit in his *Social Reform and the Constitution*, published in 1911, to begin with the injunction that in the present shifting political and social scene it is better to proceed empirically, to start out with no general principles which are to serve as criteria for the testing of both data and conclusions. Whatever may have been his own practice, Fitzhugh at least professed a belief in much the same method. Thus in 1867 he said that "There can never be a truthful science of government; for human prescience can never foresee and provide for all the new circumstances that may arise. . . .

Wise statesmen will always act experimentally, tentatively, and pathologically, accordingly as change of times, manners, morals, surroundings, and varying circumstances, internal and extraneous, may dictate."⁶⁹ And it is unnecessary to dwell on the point that the present problem of the political scientist is that set for him by Fitzhugh: "Is the existing mode of government adapted to the wants of its subjects?"

The one important theory of his books that has not had the future on its side is the one he considered most important of all—his theory of slavery. But if we consider the principle for which he argued, protection for those unable to protect themselves, rather than the name itself, it is just as true that there has been an ever-growing tendency in that direction. Since the Civil War many of the evils which he asserted to be the result of freedom and of unlimited competition have been curbed, at least in part, through social legislation. Instead of the *laissez faire* principle of the fifties we have government regulation of wages, hours, methods of payment, employment contracts, and "unfair" competition, of railroads, banks, factories and stores. The industrial laborer is not cared for by a system of domestic slavery, but this sort of legislation protects him to a far greater extent than in Fitzhugh's time, partly because of the power of the trade union, an institution appreciated by few other Southerners of the Civil War era. Only the very lowest industrial worker and the farm laborer have not yet been protected to any considerable extent. There we usually find non-unionized helplessness and frequently some form of peonage. That the system of restrictive legislation will gradually be extended to relieve them from the harsh results of a régime of free competition seems hardly open to question at the present time.

In short, these theories and others that need not be repeated here, are of more than momentary significance. It would be absurd to claim that Fitzhugh is a neglected genius, but it is by no means unreasonable to assert that the total

⁶⁹*DeBow's Review*, III, April-May, 1867, 377.

neglect of just such writers serves to over-emphasize certain aspects of the history of American political and social thought and so to subtract from the accuracy of the picture with which we are presented. Most of the lesser known publicists of the past are to be studied not so much for the intrinsic merit of their ideas as for the part they played in the thought of their time. In the thought of Fitzhugh both reasons are present. Widely read and frequently quoted in the six years before the fall of Sumpter, his theories were an important influence in the theory of the South. And, as I have tried to indicate, many of his ideas, including even some of those which are on the surface extreme to the point of arousing ridicule, having a bearing upon present day problems much greater than those to be found in most of the better known works of his time. The eloquent logic of Calhoun, the fiery plea for liberty of Garrison, the deep faith in popular government of Lincoln should not be neglected simply because they are easily linked up with spectacular historical events and because they are well known, but neither should we continue entirely to neglect the minor prophets, men whose names do not come to mind when a great controversy is mentioned, men about whom very little is now known but who were, in their own generation, of more than passing importance. It is in this group that we may well place the Virginian who began in 1849 to wage a sharp offensive against the whole theory of free society in order the better to defend the institution of domestic slavery.

TYPES OF COÖPERATIVES*

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Coöperative marketing associations in this country may be roughly classed into three groups, viz., (1) local, (2) local-federated, (3) centralized.

The locals in many instances have simply constituted the initial stage of development toward the local-federated type since the latter presupposes the existence of the former. There are, however, cases in which the locals will continue permanently to exist as independent entities, as, for example, certain milk producers' associations and associations in the vicinity of urban centers dealing in highly perishable fruits and vegetables. In these cases the locals coincide with their respective markets, and, therefore, may be looked upon as highly centralized types of organizations for that product.

The great bulk of farm products, however, has to be moved from points of origin to distant places, and it is here that the vulnerable points of many local associations have manifested themselves. Professors Black and Price, in Bulletin 21, Minnesota Experiment Station, have made a list of sixteen reasons for the inadequacy of the locals thus far to cope with vital phases of the marketing problem. The locals are frequently inadequate in the following particulars:

WEAKNESSES OF LOCAL ASSOCIATIONS

It frequently happens that the local is unable to control the quality of the product. It is a step in advance of individual marketing, but quality can be controlled better, in many instances, by a central organization.

*Paper read by Dr. Buechel before Institute for Coöperation in Philadelphia, July, 1925.

Another point of inadequacy is the matter of standardization of production. The locals are unable to carry out the matter of standardization, the selection of suitable varieties of seeds, for example. They are either unable to set up standards, or unable to get their members to live up to standards. Both federated and centralized types are better able to establish standards.

The local is not in a position to properly adjust production to consumption. It cannot carry on advertising campaigns on a large scale, and if the supply happens to be excessive, it is unable to increase the demand to take up that supply.

Inability to stabilize production is another defect of the locals. President Coolidge last fall, at the International Live Stock Show in Chicago, made the statement that orderly production is the first step necessary preliminary to orderly marketing. It appears that the local is unable to stabilize production.

The small local is unable to control consumption to fit production, or to control the flow to market. That is to say, it is unable adequately to handle the problem of storage.

Proper distribution of the product, *i.e.*, correct routing, cannot be taken care of by the local. The matter of routing cars, for example, and getting the product where it is most needed seems to be something that the small local is unable to do.

The local is unable to carry out systematic inspection. It is unable to look after claims with the railroad companies, for example, with respect to rates and losses of various kinds. It is unable to develop a selling agency. It is not able to secure its finances in the cheapest markets. The Texas Cotton Association, for example, last year secured its money for 4½ per cent by its ability to go into financial centers, whereas formerly 8 to 10 per cent interest had to be paid.

The locals are weak in the matter of bargaining, and the development of a price policy. They are inadequate

in the matter of eliminating competitive wastes. It is a step in advance of competition between individual growers, but there remains competition between a large number of small locals.

They are unable to develop business practices, accounting practice, and to elevate them to as high a point as might properly be done. The matter of utilization of by-products is not taken care of so adequately when you have a great number of isolated locals. They are unable to take care of by-products satisfactorily, and, of course, they are not able to carry on extensive research.

Doubtless there are other defects of the locals, that is, inadequacies of the locals. By that I do not mean to say that the local ought to be eliminated because of these inadequacies, but simply state that the matter of coöperation must be extended beyond the locals.

TYPES OF CENTRALIZED ASSOCIATIONS

In order to overcome the shortcomings of the local associations listed above, two types of centralized associations have developed. The one, known as the federated, has been in process of development both here and in Europe from almost the very beginning of the coöperative commodity movement. It is a natural outgrowth of the local commodity associations, designed to supplement them and to obviate the shortcomings of the locals.

The other, known as the centralized associations, have the same general objective as the federated in their activities upon the central market, *viz.*, the elimination of competitive waste which is certain to prevail when either individual farmers or disconnected local associations attempt to sell products destined for a distant market. Both types of organization are in the main on a single commodity basis, so that the distinction between them cannot be drawn primarily on that line, as is sometimes attempted. There are, however, important differences between the two types in their methods of procedure. These differences are partly explainable upon the basis of variation in

the character of products handled, in the psychology of the people involved, and the development of two rather distinctive philosophies. The federated type emphasizes the necessity of a well-informed membership, a spirit of coöperation, a homogeneous population, the spontaneous feeling of need for organization, and the development of local pride for products of high quality, as a prerequisite to the extension of effort into the central markets. The centralized type places greater reliance upon legal compulsion, the commercial appeal, outside organizers to stimulate the initial interest, and a highly efficient central office organization to take care of the details of the business as the necessary preliminaries to successful coöperation. The exponents of the latter type hold to the idea that certain commodities do not lend themselves well to the formation of highly cohesive local association, and that the spontaneous formation of local groups implies a fairly homogeneous population with respect to nationality, economic well-being, and religion, a condition which does not prevail in large sections of the country.

They, therefore, proceed on the basis of using high-power persuasion, and sometimes external force, to bring members into the organization, rely upon legalistic devices to hold them there, in the firm conviction that, after the members have experienced the financial benefits of joint action in the association, coöperative spirit and loyalty to the organization will follow. It cannot be said that the exponents of the centralized type have a lesser appreciation of the desirability of an informed and loyal membership than do the exponents of the federated type. The former, *i.e.*, the centralized, aim to develop the educational features after the organization has been formed through their field service departments; the latter, the federated, hold that an informed membership and loyalty to coöperative principles must precede an extension of joint activity into the central markets, and that this can best be accomplished by the union of local groups which have become thoroughly grounded in basic principles.

MARKETING PRACTICES AND IDEALS OF THE TWO TYPES

With respect to practices on the terminal markets, there is no sharp line of cleavage between the two types, and the tendency is for original differences to become less distinct, and for a gradual merging from one category into the other, in conformity with the needs of the organization as it develops. There are, however, certain differences more or less clearly defined. For example, in the matter of proportion of supply controlled, the centralized associations consider it vital to control all or a large part of the supply in order to make collective bargaining effective. The federated merely desire control of a supply sufficient to obtain the volume necessary for economy of operation.

With respect to price policy, the federated sell through regular channels, while the centralized try to sell at a forecast price, or at least with large receivers at the point of consumption.

Again, the federated type lets the local decide when to move the product to market, while the centralized feeds the market. Under the federated type, title remains with the grower or local association, whereas under the centralized type title is vested with the association when delivery is made.

The federated usually allows locals to decide to which market to ship, while the centralized always assumes this function, although they may delegate it to a commercial or public agency.

The federated allows locals to control quality under advice, while the centralized takes charge of this function. In general, the federated pools by local units; the centralized pools in large units. Both use the integrated method of selling.

The two types differ most in the status of the local association. Federations retain the local associations as a unit in the organization in the matter of voting, of selecting representatives and directors, of determining matters of major policy, such as cannot be delegated to the board of

directors, and matters of contractual relationships. Contracts are between central organizations and locals rather than central and former. Growers are members of locals and locals are members of centrals. The local is the pooling unit, and reserves some right over packing, time of selling, and even the market to which the product is shipped. In the centralized association the farmer holds his membership with the central; contracts are held directly with the central, and representation in the central is on the district or county, or some other basis. The local disappears as a part of the organization, and all functions except warehousing are performed by the central. The central usually sets up warehousing organizations as subsidiaries.

OTHER DIFFERENCES

Federations rely less upon membership contracts than do the centralized. The contracts are usually for a shorter time in the former than in the latter, and have a provision for termination upon notice at the end of any session, which the centralized does not usually have.

The federations are inclined to a far more moderate use of liquidated damages and penalties than are the centralized. Under the federated system the combining of two or more products or types of business is common. This is not permitted in the centralized. Under the latter, if a mutual relationship is desired between organizations, they may contract between themselves.

Neither federated nor centralized organizations, as a rule, handle products for non-members.

The federated types are more inclined to capital stock, while those in control of the centralized type believe that the non-stock association conforms more closely with the Clayton amendment of the anti-trust act.

The federated type is more democratic; leadership, education, and incentive are regarded by its exponent as the most effective method, securing a loyal membership. The

centralized, on the other hand, relies more upon the legal contract to hold its members in line.

We may then summarize the distinctive features of the centralized type as contrasted with the federated, as follows: (a) It abolishes the local as a pooling unit; (b) it requires membership with the central instead of the local, and membership contracts are held on the same basis; (c) it exercises complete control of the product as to when to sell, where to sell, and how to grade and pack; (d) it has all the record keeping concentrated at the central offices; (e) it frequently develops a systematic method of instruction to its membership through its field service department; (g) the spirit of coöperation and loyalty is developed after the organization has been effected, rather than before the organization has been formed. In other words, it gravitates from professional organizers down to the membership, instead of arising spontaneously with local memberships and gradually enlarging its field of operation as in the federation of locals.

MOOT QUESTIONS INTRODUCED BY THE CENTRALIZED TYPE

While it is true that the weight of tradition, authority, and abstract reasoning seems decidedly to favor the federated type of organization, the ability of the centralized type to secure rapid economic results should cause students of this problem to pause and re-examine the hypothesis upon which successful coöperation is supposed to rest. It may be that certain important psychological factors as they apply to conditions in this country have been omitted, or not taken sufficiently into account; that the so-called fundamental principles of coöperation, which have been deduced largely from the experience of the Rochdale associations of England, the coöperative credit associations of Germany and the commodity associations of Denmark and Ireland, need to be enlarged or their emphasis modified; that there has been a tendency to crystallize the so-called principles of coöperation prematurely; and that more complete knowledge of all the factors involved will enable us

to formulate a theory or body of principles which will embody both the federated and centralized type of organization.

Certainly, when the percentage of the organizations operating on the central markets is equally divided, as it is at present, between the federated and centralized types, it can do no good to be dogmatic as to the type which has a monopoly on the fundamental principles. Scientific and objective studies will, without doubt, show that all the truth does not lie with either type and that the type of organization which will work best for any given commodity will embrace principles now embodied in each of the two types.

As was previously pointed out, the federated type is the result of a slow growth, first of local associations and then of the consolidation of these associations into central federations. Brief as has been the development of the coöperative movement both here and abroad, opinion has already begun to crystallize around this method as the only safe one to follow in the formation of coöperative organizations. Recent development of the centralized type, however, has made it necessary that we carefully re-examine the pillars upon which successful coöperation is supposed to rest; and moreover that we do it in an objective, scientific spirit with a view of determining what is really fundamental under a given set of conditions.

Shall we, for example, apply literally the statements of H. G. Powell to every case, when he says, "It has been the experience of the past that farmers must *feel the need* of getting together to meet a crisis in their affairs; and the realization of the need must *spring from within* and not be forced upon them from without by the enthusiasm of some opportunist who seeks to unite the farmers on the principle that organization is a good thing." And again, "It is a fundamental that the unit of each agricultural industrial organization formed to distribute and sell farm crops or for business purposes must lie in a relatively small area." "There have been many attempts," he pro-

ceeds to say, "to amalgamate the growers of a single crop in different sections into one large organization, just as the Knights of Labor formerly attempted to amalgamate different laboring men into one central organization. None of these efforts have succeeded." According to Powell, the local association should sell its products under a local brand, thus preserving the element of local pride and local rivalry.

Commenting upon this philosophy of Powell and others who hold this view, a recent writer has this to say: "If marketing associations to be successful must be the child of necessity and the mother, a spirit of coöperation, organizations of the overnight type are doomed to be failures. Born neither of necessity nor of the spirit of coöperation, they are created by professional organizers." He goes on to say, "Of the eighteen associations organized by Market Director Weinstock, of California, sixteen consisted of growers and a central agency and not of local associations and a central agency. Mass-organization of coöperatives is not only divorced from a spirit of coöperation but also from group organization of local farmers."

"In practice," says this writer, "successful coöperatives are now in operation in which there was originally no appeal to local pride or spirit of coöperation. Appeal to the spirit of coöperation was made *after* rather than *before* organization, and it was developed and not spontaneous."

Such writers as the last one quoted hold that not in the coöperative appeal but in the price appeal lies the power of the centralized association, such as the raisin-growers of California. The price appeal, backed up by the law, they contend, is quite as effective as dire need and a spirit of coöperation as a basis for successful coöperation. The dictum that "coöperatives depend upon coöperation," they hold, should not be taken too literally, for they say such a method requires too long a time for its consummation; foreigners and frequently native Americans will not form locals; and, finally, in the long run the federated type is liable to be less beneficial economically and financially than the centralized

associations since a large percentage of locals fail to affiliate and continue to compete among themselves.

It is not inconceivable that a great deal of ill feeling might arise between those who favor the one or the other type of central organization. There is danger of making a fetish or creed out of a given type of organization and of creating a spirit of dogmatism that will be detrimental to the best progress of farmer business organizations. One of the principal merits of this institute doubtless will prove to be that it will stimulate more men to search out the truly vital principles of successful coöperation. Some of these principles will be found to exist in each type of organization and future organizations will come to involve the blending of these principles in a way that will best accomplish the purpose in view. The commodity to be handled and the people involved in its production should determine the type of organization, and this should be readily adjustable for each specific case. No set formula can ever be worked out for the solution of the problems relating to coöperation any more than that such a formula can be worked out for any other economic problem. The danger to coöperation is that there are those who demand such a formula and others who claim to have discovered it.

HUGO PREUSS TALKS ON THE WEIMAR CONSTITUTION

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It was the middle of last May; all the horse-chestnut trees in Berlin were blooming; it would have been a joy to ride out to the suburban section, Gr newald, even if there had been no other purpose in our going than to enjoy the spring afternoon. But we had a definite and exciting errand; we were to have an interview in his own home with Dr. Hugo Preuss, "the father of the Weimar constitution." It was as if one could discuss the Constitution of the United States with Hamilton or Madison.

We were received in a handsome drawing-room by a corpulent man, apparently not much past middle age, friendly, likable, radiating a sense of personal power, mental force, inward energy. He introduced his son, an intelligent and thoughtful young man, who speaks English very well. As we were accompanied by Dr. Grossmann of the Amerika-Institut, who had arranged for the interview, we were assured of interpreters in case of need. The conversation was an amazing mixture of English and German, since we all spoke both languages in varying proportions; sometimes a phrase from still another tongue was used by way of elucidation. A grammarian would have needed a funeral at once; but we, a group of political scientists, were happy in understanding one another.

"So you are interested in our constitution?" said Preuss. "Not all Americans consider it worth their while to study foreign constitutions. During the Weimar convention an American said to me: 'Why do you rack your brains like this, over making a constitution for Germany? Just take the Constitution of the United States, translate it into German—which can be done in an hour or two—and you will have the finest constitution in the world, with no work!'

However, he was not alone in this opinion; many Germans shared it in some degree. The convention was held while Wilson was at the zenith of his career—*Wilson war Gott*. A considerable demand was made at Weimar for a presidency exactly like the presidency of the United States, with all powers *unbeschränkt*. But I kept saying, 'Wait, wait.' Then came Wilson's fall from power, the deadlock between the President and Congress; and it was plain that your system had faults which we should try to avoid."

By this time we were in a bright morning-room, seated about a hospitable table, and enjoying one of those German teas which begin with tarts and whipped cream cakes and end with savory sandwiches and raspberry syrup. There we talked and talked until the brightness faded and the spring evening began to fall.

We asked whether the popularly elected president, so new a figure in a parliamentary government, was a definitely thought-out part of the Weimar constitutional theory, or a concession to popular feeling. Preuss answered frankly: "Both. There was a great fight over this point in the convention, and a strong demand for election by the people. But I think that he is needed as a kind of balance to the Reichstag; if he is to function in this capacity he must have the strength that comes from his being the choice of the people."

"Can he abuse his powers?" we inquired.

"Many provisions in the constitution are designed to guard against this possibility. If the president has a great popular majority and strong support in the Reichstag, of course the extent of his power is not an important question; all will work harmoniously. But suppose that a president, enjoying tremendous personal prestige and elected by an enormous majority, has not the support of the Reichstag; what can he do? True, he can dismiss the ministry, if he believes that he knows more than the Reichstag about public opinion; but this does not mean that he can begin personal government, since no act of his is valid unless countersigned by a minister. He must at once form

a new cabinet, subject to the confidence of the Reichstag. The president acts as a sort of regulator—another popular organ over against the Reichstag, yet always under it, in the sense that all his acts must be countersigned by a minister acceptable to it."

We asked a question concerning the powers of the Reichsrat, or upper house of parliament.

"The Reichsrat is an outgrowth of the old Bundesrat," said Preuss, "but with a very greatly changed and diminished competence. The particularistic tendencies of the last two years, by weakening the power of the lower house, have unduly increased that of the upper house. Bavaria—the South Carolina of Germany—through her chief representative at the convention—her John Calhoun—fought to give the upper house more power. She particularly opposed the provision permitting the administration to lay bills before the Reichstag even against the will of the Reichsrat. By the way, the need for asking the approval of the Reichsrat can be avoided altogether, when parties in the lower house can reach an agreement, by having any desired bill initiated by the people. In the Prussian Landtag this is quite often done."

One of us had been scribbling on a bit of paper, trying to devise a form of words which would express our meaning very exactly. At last we said that from studying the Weimar constitution carefully, and measuring the extent and nature of the powers given to the president, the two houses, the administration, and the people, we had concluded that the great mass of power in the actual operation of the government had been given to the Reichstag and the responsible cabinet, which were meant to be the chief governmental organs. Therefore, it seemed to us a fair description to say: The German constitution establishes a government which is a representative democracy in principle, parliamentary in form. Did he agree to this?

He did; but he would not have us forget that the government is the people's. "Power lies always with the people in the last instance," he said. Yet he would not have the

people exercise direct power too often. Moreover, he would have the central government strong. "The Reich has great legislative powers," he remarked, "but not nearly enough administrative powers."

We mentioned our approval of the provisions by which it is made possible for the German parliament to amend the constitution, as opposed to our own difficult and burdensome methods of amendment. He said, "The old constitutions made a sharp distinction between *le pouvoir constituant* and *le pouvoir constitué*. Today we feel that this distinction is no longer valid; that *le pouvoir constituant ist immer da!*"

Thus the talk went on for hours; we made some half-hearted polite attempts to leave, but Dr. Preuss would not have it so. At last we could stay no longer, for very shame's sake. We thanked our host for the honor and privilege of the interview and for his kindness in answering our many questions. He replied that we were extremely welcome; that he would gladly reply to further questions, and that he hoped we would come again to him with any others which might occur to us.

We rode back through the dusky trees and sat at a little table by the stream in the Tiergarten, and drank beer, and talked of the new Germany and its political and social institutions. All the things that Preuss had said to us were of help in understanding. The sense of comradeship growing out of a communion of interests, which had made warmth and light as we talked with him, remained with us. We felt that we had left a friend in that Grünewald home.

Now comes the heavy news that Hugo Preuss is dead. But his work endures.

THE EVER-CHANGING CHURCH

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The history of the Christian church may be approached from many viewpoints, but one of the most fruitful approaches is the functional. The history of the church shows continuous change and re-adaptation to the social environment. From the time that the followers of Jesus numbered about 120 (Acts 1:15) until the church counted the whole population of Europe except the Mohammendans in its membership, great and various changes in structure and function occurred. At first, the disciples were a mere handful of discouraged, bewildered Jews in the City of Jerusalem. The number twelve seems to have had some sacredness, because about the first act of organization they did was to choose by lot a man to succeed Judas who had killed himself. Peter again took the lead and through his influence a considerable number were added to the little band (Acts 2:41). Their bewilderment began to give way to somewhat fanatical preaching, and came into conflict with the peace officials of the city. Discrimination seems to have occurred when "They had all things in common," and the Hellenic Jews objected that their widows were not properly cared for. The twelve then called their followers together, and at a popular meeting announced that more systematic provision should be made for those in need. One Stephen was chosen with six others to supervise the distribution of supplies. Stephen developed quite a reputation as a speaker, also; his boldness finally resulted in his being killed by a mob. Somewhat by accident more extensive missionary work came to occupy their attention, and when Saul of Tarsus joined the Christians, the *Drang nach Westen* (to alter a well-known phrase) had begun. Professor Harnack says that the early church was distinguished

by "an absence of all institutions whatsoever."¹ But in the trial and error, hit and miss, fashion of the first one or two decades institutions were in the making; here they had their genesis.

The very fact that St. Paul could address letters to an ekklesia is positive evidence of the beginning of institutions; a local organization had started. Very early the Corinthian church learned the Pauline doctrine concerning marriages; by his influence he attempted to regulate the marriage of members of his churches (I Cor. 7). A group consciousness was developing: "Now concerning the collection for the saints, as I have given order to the churches of Galatia, even so do ye" (I Cor. 16-1); one group of Christians owed a duty to others who were less fortunate. This collection brought Paul into his first important conflict with the Roman authorities; other conflicts had been relatively unimportant, but this one resulted in his being taken to Rome, where he had wanted to go very much, though under other circumstances than those which took him there. He was in prison there; the so-called prison Epistles may not be genuine Pauline letters, but they somehow got his name attached to them. Some time before the composition of the first letter to Timothy the churches had acquired officials known as bishops and deacons, though the deaconate seems to go back to the primitive Jerusalem church. Rules concerning conflict between ruling elders and non-official members were handed down (I Tim. 5:17ff.) Titus is reminded of his responsibility to appoint elders in each city of Crete (Titus 1:5). In the epistles of James and John I the churches were told that serving the material needs of the "bretheren" is not an optional benevolence, but is of the very nature of the religion they profess. Specialization of functions within the church has already taken place; elders seem to be the spiritual guides of the local group and deacons the officials in charge of money and

¹Harnack, Adolph, *The Expansion of Christianity*, Vol. I, footnote, p. 151. Quoted with approval from Uhlhorn.

property. Paul urged "like-mindedness" among the followers of Jesus. He suggests that a Christian should marry a Christian and not a pagan; the effort is made to weld the group more strongly by endogamy (I Cor. 7:39). Celibacy for both men and women is extolled. (I Cor. 7:31-38).

In the New Testament documents the seeds were sown for two institutions of the pastristic and medieval churches; celibacy which led men and women to adopt the lives of anchorites, cenobites and monastics, and charity which developed to undreamed of proportions." . . . So far from being satisfied with private almsgiving, early Christianity instituted, apparently from the first, a church fund (Tertullian's *arca*), and associated charity very closely with the cultus and officials of the church."² Harnack says that by 250 A.D., the church at Rome was spending 5,000 to 10,000 pounds annually for relief.³ One of the best witnesses to the extensive charity of the Christians is Julian the Apostate, who became emperor in 367: "These godless Galileans feed not only their own poor but ours; our poor lack our care."⁴ Julian attempted to restore paganism as the imperial religion, and one of the means of doing it was to be imitation of Christian charity. The various forms of charity are indicated by the following classification: alms in general; support of Christian teachers and officials; support of widows and orphans; support of the sick, infirm, and disabled; care of prisoners and people languishing in the mines; care of poor people needing burial and the dead in general; care of slaves; care of those visited by calamities; churches providing work and insisting that all able-bodied Christians work; care of brethren on a journey and of churches in poverty and peril.⁵ St. Paul declared that those who do not work should not eat (II Thess. 3:12); but very soon this injunction turned out to have an obverse: "It is beyond

²Harnack, *op. cit.*, p. 155.

³*Ibid.*, p. 157.

⁴*Ibid.*, p. 162. Quoted from Julian.

⁵*Ibid.*, p. 153.

question . . . that a Christian brother could demand work from the church and that the church had to furnish him with work."⁶ The early church was a labor union as well as an ark of salvation.

The general ignorance among Protestant clergy and laymen concerning the reason for Rome's becoming the center of Christendom is responsible for much of the prejudice toward the Roman Church to this day. Rome was the place where both Paul and Peter died; that added to her prestige. But her benevolence was known wherever Christian communities existed; Corinth, Syria, Arabia and Cappadocia unite in proclaiming the church at Rome to be, in the words of Ignatius, "the leader of love." The things which led to Rome's primacy are thus summarized by Harnack: "From the close of the first century the Roman church was in a position of practical primacy over Christendom. It had gained this position as the church of the metropolis, as the church of Peter and Paul; as the community which had done most of the catholicizing and unification of the churches, and, above all, as the church which was not only vigilant and alert but ready to aid any poor or suffering church throughout the empire with gifts."⁷

Long before there was any formal unity in Christendom there was an unofficial confederation. Between the time of the death of Antoninus Pius in 161 and the accession of Constantine in 313 almost all of the Roman provinces except Egypt had been episcopally organized.⁸ Rainy thinks that, while the bishop supervised church affairs, he was not greatly exalted above the presbyters before 180 A.D.⁹ From the end of the first century Harnack thinks that the church has become a definitely organized institution identified by the fact that it "embraced holy persons, holy books, holy doctrine, and a sanctifying cultus."¹⁰ The let-

⁶*Ibid.*, p. 176.

⁷*Ibid.*, p. 485.

⁸*Ibid.*, p. 480.

⁹*The Ancient Catholic Church*, pp. 35-37.

¹⁰*Op. cit.*, p. 398.

ters of the original disciples and Paul were circulated, commentaries on them by distinguished Christians were known in many parts of the empire, the general currency of the so-called Apostles' Creed by the middle of the third century, the mutual aid of churches and the growing body of martyrs gave the Christian church a psychological unity long before it attained a formal unity through the adoption of the Nicene Creed in 325. With the promulgation of the Nicene Creed bearing the *imprimatur* of Constantine the church began to assume a formal unity; it now had an irreducible minimum of beliefs. The Christian religion as represented by "one Holy Catholic Apostolic Church" became a part of the luggage of the imperial State henceforth—barring unimportant lapses. In 391 Theodosius I issued the following decree: "Sacrifices of the pagans, and entering of temples, and the worship of images in the City of Rome and vicinity the Emperors have prohibited at this time, under pain of the severest penalty, also in accordance with the decisions and their duties stipulated in the tenth law concerning the pagans at Albinum."¹¹ This was supplemented by a special edict concernng Egypt: "Sacrifices throughout Egypt, and the entering of temples, and all worship of the Gods by sacrifices Theodosius M. Aquileiae prohibited through the institution of the eleventh law concerning the pagans."¹² That was not the last heard of "the pagans," but it is a landmark in the adoption of Christianity as a State religion; the church and the empire have become increasingly one and inseparable.

Under various bishops the Roman See had presumed to

¹¹*Chronologia Codicis Theodosiani*, Vol. I, p. 134, edited by Jacobus Gothofredus. "*Sacrificia Paganorum, templorumque aditum, cultumque simulacrorum in urbe Roma & finitimis inhibuere hoc tempore Imperatores, sub severissimis poenis, etiam iudicibus eorumque officiis propositis 1. 10 de paganis ad Albinum. P.F.V.*"

¹²*Ibid.*, "*Sacrificia per Aegyptum, templorumque aditum, omnemque per sacrificia Deorum cultum, hoc tempore inhibuit Theodosius M. Aquileiae constitutus 1. 11 de paganis.*"

speak with authority before the time of Pope Leo I (440-461 A.D.). In the second century Victor assumed the role of interpreter of ecclesiastical orthodoxy regarding the time of Easter; heretical baptism was denounced in the third century by Stephen, who threatened to break off relations with eastern bishops; by the end of the fourth century Innocent I boldly asserted the primacy of the Roman See.¹³ Long before this Constantinople had become the home of the Emperors; the Bishop of Rome was the most distinguished person in Italy, and frequently the most able. In 452 Leo I interposed on behalf of Italian Christians with Attila, and in 455 he again acted as a civil official on the invasion of Genseric.¹⁴ Justinian conferred authority on the "bishops and chief men" of Italy to choose civil administrators and to enforce a system of weights and measures.¹⁵ The Roman bishops exercised civil functions of necessity; it is not to be supposed that this additional authority was distasteful, but circumstances led the church to active participation in affairs of State in the early centuries, when the empire was breaking into many parts under the repeated invasions of the northern barbarians.

In not a dissimilar way the church entered the field of education. More than 300 years before Christ the Greeks had a system of primary, secondary, and higher education. Somewhat later the Romans developed a similar system, modeled to some extent on the Greek pattern.¹⁶ Many of the Christian leaders were trained in pagan schools: Chrysostom, Origen, Eusebius of Caesarea, Augustine, etc. But "Christian education" was necessary for the children of Christian parents, otherwise they might lapse into paganism under the influence of pagan teachers. Some drill in the beliefs of Christians occurred in the catechetical classes. The

¹³Rainy, *op. cit.*, p. 313.

¹⁴*Ibid.*, p. 506.

¹⁵Thatcher and McNeal, *Source Book for Mediaeval History*, p. 87.

¹⁶Cubberley, *History of Education*, pp. 42, 67.

Apologists of the second and third centuries busied themselves with answering the attacks of learned pagans.¹⁷ A distinctly Christian literature was created. Centers of learning flourished in Alexandria, Athens and the cities of Asia Minor; some of the important teachers were Christians. Gradually the idea spread throughout the empire that ". . . the Faith, which is to say the Scriptures, contained the sum of knowledge needful for salvation, and, indeed, everything that men should seek to know."¹⁸ ". . . so far as any interest survived in zoology, or physics, or astronomy, it also was absorbed in curious Christian endeavors to educe an edifying conformity between the statements or references of Scripture and the round of phenomena of the natural world."¹⁹ This was the patristic influence which all but supplanted the lay schools in the early Middle Ages; it narrowed intellectual interests to the practical pursuit of salvation in another world.

During the early Middle Ages an occasional scholar in a monastery showed some excellence; not often elsewhere was writing or learning pursued with effectiveness. Isidore, Bishop of Seville in the early part of the seventh century, is an exception. In the seventh, eighth, and ninth centuries learning was most ardently sought in the monasteries of England. When Charlemagne became impressed with the sorry state of education at his court and among the clergy, he sent to England for Alcuin, whom he put in charge of the Palace School, at which the monarch himself was sometimes present.²⁰ Alcuin was made head of the monastery of St. Martin of Tours, which became a center of learning in the Frankish dominions. The most important literary product of England in the seventh and eighth centuries was the *Ecclesiastical History of England*, by the Venerable Bede of the Monastery of Wearmouth and Jarrow in Northumbria. But wherever intellectual life existed it existed

¹⁷Walker, *A History of the Christian Church*, p. 50ff.

¹⁸Taylor, H. O., *The Medieval Mind*, Vol. I, p. 69.

¹⁹*Ibid.*, p. 70.

²⁰Walker, *op. cit.*, p. 207.

for the good which it could do in the extension and purification of Christianity; secular learning did not die out completely, but it was insignificant in quantity when compared with "Christian education."²¹ The cathedral schools arose to give a rudimentary education to the clergy of the bishopric.²² It was possible for a man to secure some education as a layman, but the only way that an intellectually inclined woman could do so was to enter a nunnery. In the later Middle Ages universities arose which drew students from all over Europe; such was the University of Paris, but it was conducted by clerical teachers. It was an independent "corporation," just like an artisan's guild, and on occasion the students and faculty might strike and leave the city, if the municipal authorities did not treat them as they thought they should be treated. Oxford and Cambridge originated as schools of the church, as well as others in Italy and Germany.

The educational tradition was quite firmly fixed in the culture of the Middle Ages, and it persisted into modern times. When Luther broke with the Roman church, he appealed to the German officials to establish schools which would aid in the establishment of the Reformation. Calvin's theocracy at Geneva did not neglect the schools. The Massachusetts colony in 1642 and 1647, "for the first time in the English-speaking world, ordered that children be taught 'to read and understand the principles of religion and the capital laws of the country,' and that schools be established by the towns under penalty if they refused to do so."²³ From this date in the United States the separation of the church from education has continued unabated. The religious organization and the town of Massachusetts were so nearly the same that this did not seem a departure from precedent; the town as a political unit was the logical administrator of public affairs which should assume control of education.

²¹Taylor, *op. cit.*, p. 250.

²²Cubberley, *op. cit.*, p. 97.

²³*Ibid.*, p. 506.

But that was the beginning of the differentiation of the educational function and of its loss by the church. In the early history of the church there was an integrating process by which the church gained complete control of education, but in the seventeenth century a differentiating process set in which in the United States and most of Europe has resulted in the establishment of State schools. In some States of the United States it has been proposed in recent years to prohibit primary and secondary education to the church altogether. The Roman Catholic Church retains its parochial schools, but they are of diminishing importance as compared with the public schools. The Protestant churches found and operate colleges and universities, but even those, unaided by the State, have a way of becoming independent of ecclesiastical control through endowments which render denominational support unnecessary. This is one function which the church has very generally lost.

In the history of western Europe the church has played no small part as a recognized part of the State. Churchmen have been among the distinguished advisers of kings, chancellors of feudal dominions and kingdoms, and diplomats. Locally priests, abbots and monks have actively participated in government. "By a natural feeling, the minister of Christ was esteemed the proper person to see justice done between man and man, to interpose the warnings of the church against perjury, and to superintend the ordeal; as chief of the educated class he would speak with authority upon all questions of succession and contract; he guarded the standards of measure and weight; to him the serf might appeal if he were overworked; and he controlled the revenues out of which the poor were relieved.²⁴ When a member of the clergy commanded that something be done, it had a double sanction back of it; in case of his acting in the capacity of a government official, it had the authority of the soldiers of the noble or king back of it; in the event that he gave orders as an ecclesiastic, he had back of him

²⁴Pearson, Charles H., *History of England During the Early and Middle Ages*, pp. 314, 315.

the power of excommunication. An excommunicated person could not receive any of the sacraments of the church, which in the Middle Ages were believed to be essential to salvation; and he could not be buried, in case of death, in consecrated ground. The fear of hell and the belief that the church controlled the means of escape from it provided all the authority that was needed to bring the recalcitrant layman back into the path of rectitude and to induce him to submit to whatever penance was assessed. In the later Middle Ages a modified form of excommunication known as the interdict was invented for use against a rebellious noble or king. Professor Seignobos says: "In the eleventh century the 'interdict' began to be employed against the lord who braved the excommunication. The clergy deprived of the sacraments not only the suzerain, but all the people in his dominions; in all the length and breadth of his possessions no one could be married or buried, the church bells were not rung; the people chastised together with their suzerain were obliged to fast, and to let the hair grow as a sign of mourning. Thus did the clergy force the lords to respect the laws of religion, and also prevent them from taking possession of the property of the church."²⁵ An enemy noble might invade the domains of the interdicted lord with the entire approval of the church, and it was expected that the suffering subjects of the recalcitrant lord would not fight for him with any degree of enthusiasm.

The acquisition of power by the popes was slow and gradual, but it had started before the time of Leo I, and aside from a few temporary setbacks at the hands of strong emperors it had not ceased to increase. Pope Nicholas II was one of the strongest and most able of the medieval popes. He established friendly alliances with different monarchs and higher nobles in order to balance the traditional power of the Holy Roman Emperor over the papacy. In 1059 he issued a decree which forbade lay investiture of abbots and bishops with the symbols of their offices; this would deprive

²⁵*Mediaeval and Modern Civilization*, p. 90.

the nobility of the power to appoint political favorites and would give the Pope a firmer hold on the higher clergy. In the same year he issued another decree which transferred the election of the Pope from the populace of Rome to the cardinalate. In 1076 Gregory VII demonstrated the power of the papacy in a forceful way: he excommunicated the Emperor, Henry IV, and released all his subjects from obedience. An uprising of his subjects led by the nobles demanded that Henry satisfy the demands of the Pope or be deposed by force within a year. Henry's dramatic pilgrimage to Canossa proclaimed his surrender to the head of the church, and it was concrete evidence of the power of the Pope as head of an international organization more powerful than any government. Walker says of Innocent III, who became Pope in 1198, that "no Pope ever had higher conceptions of the papal office, and under him the papacy reached its highest actual power."²⁶ At the instigation of Innocent the stubborn Emperor Otto IV was declared not to be the emperor; he was defeated by the French King, Philip II, and Innocent's nominee, Frederick II, became emperor. Thus the Pope proved the supremacy of the papacy to the world. Later Innocent had occasion to humble Philip II, because he had unjustly divorced his wife; he separated Alfonso of Leon from a wife too closely akin to him; King Peter of Aragon received his kingdom as a fief from the Pope; King John of England was forced to submit to the Pope or lose his kingdom, and as evidence of his submission received his own kingdom as a fief from the Pope.²⁷

But another ferment was going on throughout Europe which was destined to differentiate ecclesiastical and political functions; that was the beginnings of nationalism. It was in 1213 that King John became the vassal of Innocent III. When the nobles forced John to sign *Magna Charta* in 1215, Innocent denounced it as an injury to his vassal, which was quite the proper thing for a feudal overlord

²⁶*Op. cit.*, pp. 286, 287.

²⁷Walker, *op. cit.*, p. 288.

to do, but *Magna Charta* was not destroyed, and it marks the beginning of the estrangement between England and the papacy which culminated in the break under King Henry VIII. With the accession of Hugh Capet to the Duchy of France the consolidation of the great feudatories around the Ile de France began. Philip Augustus added all of the English holdings except Aquitaine on the continent to his dominions; Auvergne and other southern provinces were later conquered. Jean d'Arc is the symbol of the rising nationalism of France. Less than a decade after the death of Jean d'Arc King Charles VII, supported by the clergy and nobles, adopted the "pragmatic sanction" which secured relief from papal taxes and interferences.²⁸ A hundred years before this the Statute of Provisors had forbidden the Pope to make ecclesiastical appointments in England; disputes which arose between papal and royal authorities led to the necessity of the Statute of *Praemunire*, which forbade the appeal of cases to ecclesiastical courts outside of England. Thus there was a growing consciousness of the distinction between the functions of government and those of the church. The initiative was always taken by the government concerned; it was the active agent in pairing down the functions of the papacy. When Henry VIII broke with the papacy in 1534, he announced the supremacy of the State over the church. Similar acts occurred at different times elsewhere in Europe, but the complete separation of the formal connection of church and State had begun. The establishment of the United States following the Revolution marked the first constitutional provision for such separation. The church has never had direct political functions in this country.

The church has not only possessed political power in the past, but it has had economic resources of tremendous proportions. With few exceptions the church obtained its property in its early history and down through the Middle Ages by gifts. Counts, dukes, kings, and emperors made donations of land and improvements and serfs to monasteries

²⁸*Ibid.*, p. 313.

and churches. Under the feudal system a noble might receive his own domain as a fief from the Pope, as King John of England did; as the Pope's vassal John paid him a thousand marks annually. The foundation and growth of St. Peter's, Gloucester, is an excellent example of the way property was acquired; it was founded by Wulphere, first king of Mercia, in 680; his brother superintended its building, and a nephew endowed it; Eva, third abbess, added to its revenues; in 823 King Beornulph of Mercia bestowed part of his possessions upon it; manors in the early part of the eleventh century were given St. Peter's by Wilfin le Rue; Hugh, son of William the Conqueror, gave Kilpeck Priory to it in 1134; Lord Brimsfield founded Gloucester Hall at Oxford, to be used at first exclusively by St. Peter's monks; King Edward II was buried in St. Peter's, and large sums of money came in from pilgrims.²⁹ By William the Conqueror's time the Archbishop of Canterbury held an estate in Middlesex of no less than 100 hides (12,000 acres), "and in 832 the archbishop or his church had 104 hides at Harrow."³⁰ Maitland says that "the 'manses' which the kings throw about by fives and tens and twenties are no small holdings, but hides each of which contains, or is for fiscal purposes deemed to contain, some 120 acres of arable land together with stretches, often wide stretches, of wood, meadow, and waste, the extent of which varies from case to case."³¹ The same process occurred in France.³² Just before the church property was nationalized in France in 1789 the annual income amounted to something like \$100,000,000.³³ In order to give concreteness to this description of the economic resource of the church a further estimate will be given for England: ". . . we may say that in round figures the monasteries named in my list have, according

²⁹Dugdale, *Monasticon Anglicorum*, Vol. I, p. 531ff.

³⁰Maitland, F. W., *Domesday Book and Beyond*, p. 224.

³¹*Ibid.*, p. 228.

³²Lesne, Emile, *Histoire de la Propriete Ecclesiastique en France*, bks. 1-3.

³³Davis, W. S., *A History of France*, pp. 251-252.

to the *Valor Ecclesiasticus*, a gross income of a hundred and sixty thousand pounds and a net income of a hundred and thirty-five, and that the temporal gross income included in these figures amounts to a hundred and twenty thousand pounds and the temporal net income to a hundred and ten thousand. But we must not forget that no college or friaries, and but few hospitals, have been taken into account.³⁴ In 1910, according to Coulton's method of calculating exchange, the income of 160,000 pounds would have been equal to about 2,720,000 pounds.³⁵ That was quite a tidy income for the country of England alone.

One of the cardinal points of Wycliffe's charges against the church was its accumulation of vast wealth. He maintained that the functions of the church were primarily spiritual and that the great possessions of the church tended to reduce the importance of the spiritual functions. Henry VIII in England wanted a divorce, but he also wanted the revenues which had been going to the church. Frederick of Saxony was induced to support Luther to a considerable extent because separation from Rome would increase his own revenues. The governments had systems of taxation, and so did the papacy; thus, property was taxed by both agencies. The rising tide of nationalism led political leaders and intellectual leaders to question the wisdom of papal taxation. When the princes were supported by their own clergy, they could count on the support of the populace, if it came to a question of deciding matters by force of arms; the interdict had lost some of its force since Innocent III. The growth of trade had increased national wealth immensely; this gave the princes and kings more independence, because even without the revenues of lands held by the church they could finance governmental undertakings, which might include war on the Pope. Successively in different countries of Europe the property of the Roman church was expropriated by national governments; it might be given over in part to a new national church, or kept in

³⁴Savine, Alexander, *Oxford Studies*, Vol. I, p. 100.

³⁵Coulton, G. G., *A Mediaeval Garner*, p. 677.

the hands of the government. In the United States a national church has never existed. Some vestige of ideas of the established church, however, have crept into our thinking and have appeared in the form of reduced railroad rates for the clergy and the release of church property from taxation. The total amount of church property in the country is in the aggregate very great, but relatively it is small. Furthermore, only a comparatively few churches have endowments which yield an income as interest or rent; they are mainly dependent upon annual contributions of members. The only economic significance of the church in the United States is found in the fact that its property is not directly productive of economic goods, but it is supposed to render services of a different order, including salvation.

But more ominous than the loss of the functions which have just been discussed is the decline of the charity work of the organized church. It is frequently stated that, although the church does not actually administer charity, it is responsible for the existence of a public opinion which will see that it is done; there is some weight to that argument, but orthodox sermons and orthodox Sunday school literature lay only incidental stress upon it now. It is certainly not the organic part of church work which it was in the time of Paul or in the third century, or in the medieval church. In sixteen out of sixty-nine communities in rural Texas all or a part of the charitable work is done through the churches. In the cities a small amount of charity is administered by the churches, but as charity is now understood the churches are not equipped with either personnel or resources to administer it; the pastor may act as a social worker and coöperate with charity organizations to relieve poverty, starvation and sickness. Blackmar and Gillin lay down the following principles of "scientific charity": "the helpless must be taught to help themselves; the work test should be applied to all persons to the extent of their working power; indiscriminate giving is dangerous and should be prohibited; every gift should be for permanently helping the recipients; relief, when given, should be adequate but

carefully supervised; the rehabilitation of the dependent family—nothing less—should be one of the ultimate aims of scientific charity; the other ultimate aim should be the prevention of poverty.”³⁶ County and municipal hospitals are replacing private hospitals for the poor, though the church continues to build hospitals, most of which, however, are not charitable in the sense of providing free service. For many years in America the churches have not attempted to deal with insanity; the several States provide hospitals for the insane. In many States there are institutions for the blind, the deaf and dumb, the epileptic, orphans, lepers, and tubercular patients. The Federal Government operates the Children’s Bureau. All of this is modern charity, and it is very largely taken out of the hands of the church. One of the things which gave the early church prestige was its liberal charity and the fraternal solicitude of its members one for another. But today few persons would approach the home of a stranger and on the basis of their common membership in the church ask to spend the night with him. The churches have done much in the way of famine relief and the relief of war-stricken people like the Armenians, but the Red Cross and the American Government have done infinitely more in the last few years. The differentiation of functions in modern society has resulted in more effective methods of administering charity than the church possesses. So it is losing one more function.

The great split in the Christian church was the Protestant Reformation. Previously sporadic schisms had occurred, but none was on the scale of the Lutheran, Calvinistic, and Anglican revolts. The Albigenses and the Waldenses represented the most important heretical groups in the Middle Ages, but the Protestant Reformation marked the division of whole populations which had formerly been loyal Roman Catholics. It was partly theological and partly due to a new theory of the church, but back of these theories were forces which determined them; geographical discoveries, astronomical discoveries, growth of sea trade, the revival

³⁶*Outlines of Sociology* p. 517.

of learning and the rise of nationalism. Rightly or wrongly, the Protestant Reformation represents the beginning of the decline of organized Christianity in the West. It was a re-adaptation to a new intellectual, political and economic environment, and an increasing number have found the adaptation possible without the aid of Christianity in any organized form. The differentiation of functions in western society is slowly transforming the church into something other than what it has been; it has lost its function of educator, it has been left out of politics, it is not an economic producer, it is giving up charity and its distinctive function of saving people from hell is not counted so important any more.

Let us glance at the rise and decline of the church as tested by membership. "In the absence of statistics, the number of the Christians must be purely a matter of conjecture. In all probability it amounted at the close of the third and the beginning of the fourth century to nearly one-tenth or one-twelfth of the subjects of Rome, that is to say about ten million souls.³⁷ By the time of Gregory the Great (about 590) the church embraced "the masses of the population of the empire from the Caesar to the meanest slave."³⁸ Bury estimates that not more than a fifth of the population of the empire could have been in the church at the accession of Constantine;³⁹ that is nearly twice as high as Schaff's estimate. Certainly, Christianization in the sense of baptising people was complete by the time of the first crusade in 1096; by that time probably every individual in western Europe except Mohammedans had been baptised into the church. For some 400 years Europe was wholly Catholic Christian with the exception of a few groups like the Albigenses and the Waldenses. Then the Reformation came along and gave impetus to a centrifugal tendency. In the eighteenth century a considerable number of the intellectuals of both England and the Continent were "ration-

³⁷Schaff, Philip, *History of the Christian Church*, Vol. II, p. 22.

³⁸*Ibid.*, Vol. III, p. 5.

³⁹Bury, J. B., *History of the Later Roman Empire*, Vol. I, p. 366.

alists." It was not until well in the nineteenth century, however, that defection from the Christian church in all its forms became significant; there was some agnosticism in the colleges in the early nineteenth century, but it had not spread to the masses. Defection from the church occurs among the educated because they cease to believe its tenets sometimes, but other reasons are necessary to account for the defection of the masses, such as has occurred in the United States in the last few decades. The farm tenants and the industrial laborers are not in the church today to any great extent.

Let us examine the statistics of a few countries besides the United States. In 1911, in the Union of South Africa, 95.31 per cent of the white population was in the church;⁴⁰ in 1921, 97.6 per cent of the Canadian population was registered as Christians;⁴¹ in Mexico, 99.86 per cent of the population;⁴² in Venezuela, 87 per cent;⁴³ in New Zealand, 95.59 per cent;⁴⁴ in Australia, 95.95 per cent;⁴⁵ in Czechoslovakia, 92.3 per cent.⁴⁶ In none of these countries is the membership so low as in America, where it is less than 50 per cent for the whole population. Undoubtedly, these percentages include a large group of the population which is only nominally connected with the church. The white Protestants in the United States have been gaining some since 1890; at that time 11,816,038 of the non-Catholic whites were in the church. By 1906 there had been an increase of 48.36 per cent, and, using 1890 as a base, an increase of 82.55 per cent in 1916. That was a little higher rate of increase than was recorded for the population as a whole. But there are two qualifying factors of importance, which are operative in other countries as well, though

⁴⁰*Official Yearbook of the Union*, p. 176.

⁴¹*The Canada Year Book*, 1923, p. 162.

⁴²*Anuario Estadístico de la Republica Mexico*, 1904, p. 6.

⁴³*Anuario Estadístico de Venezuela*, 1909, p. 323.

⁴⁴*New Zealand Yearbook*, 1923, p. 672.

⁴⁵*Official Yearbook*, 1919, p. 133.

⁴⁶Hromadka, J. L., in *The Central European Observer*, Prague, January, 1925.

there is no way of measuring it at the present time. They are the number of inactive members—those who neither attend church nor give money; and, second, the small amount of time which a great many members give to the church. In a Texas survey of churches in nine counties 20.05 per cent of the resident members were inactive. If that should hold for the entire country, it would mean a reduction in people at all interested in the church of about one-fifth. That is the way modern defections from the church occur; they are recorded by absence from the services and from the treasurer's lists. Dr. Fry found that in thirty-two counties distributed over the United States that the average number of services attended per month by the Protestant church members varies from a maximum of 7.643 in Stanislaus County, California, to a minimum of 1.999 in Durham County, North Carolina.⁴⁷ The median attendance is 4.549 services. If that is the average interest of Protestants in their churches, it is rather small; of course, some Protestants cannot go to church more than once a month, because their church has only one service, but many others are not so handicapped. It should be borne in mind that this attendance covers all activities—preaching, Sunday school, and socio-religious activities.

The church press is in the habit of speaking of the church as the "greatest institution in the world." That is an overstatement. At one time it was the greatest institution in the West, if size and influence determine greatness. Certainly, in the United States its influence is less than the public school, and its size is very much less. By a process of differentiating functions the church is steadily decreasing in importance as a social institution.⁴⁸ Whether it will survive or not depends upon what new functions it can

⁴⁷*Diagnosing the Rural Church*, p. 95.

⁴⁸In a discussion of "the classification of societal facts," Professor Giddings has recently given a very helpful methodological suggestion. He proposes to classify societal facts by successive dichotomy. What has been done in this article is to describe the church by successive functional dichotomies. *Scientific Study of Human Society*, ch. IV.

undertake. It has lost almost all the functions that have been considered important: political, educational, economic, and salvational—the latter in an other-worldly sense. The central problem of the church today is not a petty matter of administration, but it is the determination of what it can do to maintain its existence. It is by the process of attrition of functions becoming an institution without a function. This is notably true in the rural districts of Texas which were studied recently. Can it turn to social idealism, the formulation of a philosophy of life and the interpretation of the spiritual values of modern life, and find a new field of fruitful effort?

ARKANSAS NOTE

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TRIAL OF SPEAKER HILL

Stories of the sessions of a "Third House" of the Arkansas Legislature and an *exposé* of the evils of local legislation marked the trial of Thomas A. Hill, representative from Pine Bluff and speaker of the house of representatives, on a charge of forgery in connection with the passage of a bill providing for a "hold-over" committee of the Legislature after its adjournment on March 12, 1925. The trial was before the First Division Pulaski Circuit Court, Judge John W. Wade, presiding, on November 25-27.

Senate Bill No. 519, providing for the committee, which was to consist of ninety-two members from the two houses, at a cost for salaries of between \$25,000.00 and \$30,000.00, was reported as having been read three times and passed. The record in the *Journal* shows that there were seventy votes in favor of the measure, none against, with thirty absent. The bill was shown to have passed on the last day of the session.

Witnesses for the prosecution were introduced, who stated they had never heard of the measure, although some at least, were recorded as having voted for the bill. Among the witnesses was the assistant chief clerk of the house, George Booth, who told of the sessions of the "Third House" in the office of Speaker Hill. He stated that it was the practice for the speaker and the clerks and one or two others to assemble and mark up bills as having been read three times and passed. Roll calls were said to have been forged on these bills.

The defense denied that any bill of a general nature had been so marked, but admitted that there was the practice in the Legislature of marking local bills as having been read the first and second times, and that on the third reading the bill was read by caption only. However, all of the witnesses stated that it was the practice to make up the roll calls on local bills without having them read the third time. Usually this roll is made by the member sponsoring the bill. The defense also stated that after bills calling for expenditures had been read twice the general appropriation bill, which embodied all of them, was marked as having been given the first two readings. The same applied to the substitute measures. They also stated that the bill calling for the hold-over committee had been read twice, and

that the third time it was read by caption only and passed on the last day of the session.

The jury brought in a verdict of not guilty after a deliberation of forty-five minutes.

Opponents of the sixty-day limitation on the sessions of the Legislature point to the pandemonium reigning on the last day of the session. The records show that on the last day there were passed thirty-one general bills, eleven appropriation bills, eleven local bills, five special bills, and one other. However, the case served to bring to light the evil in the system of local legislation. Judge Wade, in a statement to the press following the verdict of the jury, pointed out the necessity of ending this pernicious system. He called upon the people to renew the movement, by the initiative, which will stop the practices whereby the Legislature can give the sanction of law to measures illegally enacted.

BOOK REVIEWS

EDITED BY B. F. WRIGHT, JR.

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LIPPMANN, WALTER. *The Phantom Public*. (New York: Harcourt, Brace & Co., 1925. Pp. 200).

Walter Lippmann is probably more interesting as a stylist than as a writer on politics. This is not meant to decry his significance as a thinker. It is meant to emphasize the brilliance, the artistry which lies in his use of the English language. There is certainly no contemporary in the field of politics who even approaches the wizardry of expression displayed by Mr. Lippmann. Comments of this character are especially in point in connection with the *Phantom Public*, for the *Phantom Public* contains little which has not already been said in *Public Opinion* and the *Preface to Politics*.

A number of illustrations will indicate both the thesis of the book and the sheer cleverness of Mr. Lippmann. In speaking of public opinion, he says: "I have conceived public opinion to be, not the voice of God, nor the voice of society, but the voice of the interested spectators of action." In speaking of the limitations of the ability of the public to decide questions, he states that "the public will arrive in the middle of the third act and will leave before the last curtain, having stayed just long enough, perhaps, to decide who is the hero and who the villain of the piece." In speaking of the effect of viewpoints, he states: "... let us begin by supposing that your whole experience were confined to one glimpse of the world. There would be, I think, no better or worse in your sight, neither good nor bad, patriots nor profiteers, conservatives nor radicals. You would be a perfect neutral. From such an impression of things, it would never occur to you that the crest of a mountain endured longer than the crest of a wave, that people moved about and that trees did not, or that the roar of an orator would pass sooner than the roar of Niagara." In commenting upon philosophic systems, he announces that, "... whether the system is obsolete or not, in its naked origin a right is a claim somebody was able to assert, and a duty is an obligation somebody was able to impose." In attempting to define "society," he states, "... it is the individuals who act, not society; it is the individuals who think, not the collective mind; it is the painters who paint, not the artistic spirit of the age; it is the soldiers who fight and are killed, not the nation; it is the merchant who exports, not the country. It is their relations with each other that constitute a society."

All these things have been said before and represent no contribution to our understanding of the nature of public opinion. This book is merely a refinement of Mr. Lippmann's comments upon the operation of a democratic system in his earlier works. His essential viewpoint has not changed. Possibly his public of the present day is a trifle more tenuous than it was four years ago; but it is the same public. If any change has appeared, it is to be even more skeptical of democracy and even more critical of the ability of people to think very soundly about anything. The public becomes reduced to an ethereal spirit. *The Phantom Public* is admirably descriptive of the contents of the volume. Says Mr. Lippmann, executive action is not for the public, the intrinsic merits of a question are not for the public, the anticipation, the analysis and the solution of a question are not for the public. The public is not capable of understanding public questions. It is a pudgy, flabby and weary yokel without wit and without understanding. What is to be the function of the public? What test can it apply to public questions? The only criterion is whether or not those who are actually carrying on the Government are acting in accordance with settled rules of behavior or upon their own arbitrary desires. Adherence to a formal procedure becomes the sole test of right and wrong. "The one test which the members of a public can apply in these circumstances is to note which party to the dispute is least willing to submit its whole claim to inquiry and to abide by the result."

There is room for debate in much of this. Is the public really as incompetent as Mr. Lippmann would have us believe? Is the only test which it is capable of using that of adherence to constitutional and legal formalities? Of course it should be remembered that the author is not attempting to set up an ideal commonwealth. He is engaged in presenting a realistic picture of the limits of popular control. His pessimism is the result of an analysis of the problem. But it is not difficult to picture an ardent member of the National Security League extracting much comfort from his conclusions. Conservatism flourishes behind legal and constitutional procedure—the very test which the public, says Mr. Lippmann, must use to determine on what side of the fence to jump.

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BLUM, SOLOMON. *Labor Economics*. (New York: Henry Holt & Co., 1925. Pp. ix, 535).

In his preface the author finds "two forces at work in our economic life, antagonistic in principle": (a) Private enterprise, in some of its aspects terribly wasteful, disorderly, and reckless. Its valuations

are simply the prices of the market. It is mechanistic. (b) The purposeful activity of society in modifying or annihilating private enterprise. This manifests itself both conservatively and radically, *e.g.*, in labor legislation and the trade union movement, and in the socialist and communist movements. There is one common element in these disparate and often conflicting tendencies—they standardize. They represent a group purpose which is not mechanistic. Their acts are processes of social valuation, not of simple pricing."

Professor Blum justifies his title by the contention that the commodity "labor power," indissolubly connected with the laborer, differs from every other commodity which has a market price, and this fact differentiates labor economics from every other branch of economic science. The supply of labor power cannot be controlled in the same way as other commodities; this places the worker wholly at the mercy of fluctuating demand over which he has no control.

The author begins his study in the middle of the eighteenth century and traces the labor movement in England through the Industrial Revolution, showing the influence of ideas and of personalities upon its growth.

He next proceeds to show the tremendous influence of English economic philosophy and legal theory from 1776 to 1850 upon legal and economic theory in this country. The influence of extreme individualism and natural liberty of Smith and Bentham upon constitutional development in this country is stressed. But "equality" has always meant "*political* equality." "No State has ever possessed or contemplated economic equality." An adequate discussion of the police power, the Federal power, the taxing power, the power to regulate commerce, the amending power is given, and their application in the case of important court decisions in the field of labor is analyzed. A chapter is devoted to the exercise of the police power in the field of labor legislation.

Why has labor legislation developed so slowly in the United States? The personnel of courts and legislature has been largely drawn from the legal profession, trained in eighteenth-century philosophy of natural rights. The farmer has remained the influential factor in our political life. The industrial working classes have suffered from a lack of unity. The power of special interests has been very great. Maladministration of existing labor laws has put the movement back. Most important, "we, as a people, have not developed an adequate labor code because we do not sufficiently desire it."

The author's treatment of the legal status of trade unions and the doctrine of conspiracy presents the development of this phase of legal theory with important legislation and judicial opinion in Great Britain and the United States.

Unemployment results from the poorness of the labor market. Efforts to mitigate unemployment must be directed toward alleviation of cyclical fluctuations; various methods of accomplishing this in the seasonal industries are advanced. The basic explanation of chronic unemployment is discovered in the fact of the business cycle. The theories of Pigou, Hobson, and W. C. Mitchell are discussed. The importance of price stabilization is conceded, but the real cause of the cycle is found in Hobson's "persistent tendency to oversave." "The cycle can be smoothed out only by an increase in the consuming capacity of the masses . . . with a conscious organization of industry to meet a known and predictable demand." "In short, the curbing of the cycle waits upon the organization of the market."

The various methods employed by different countries and States in the settlement of industrial disputes are critically discussed. On page 289 the author presents an able and lucid program for concrete governmental action in industry. Two chapters are devoted to the forms of unionism, including shop committees and works councils. The monopolistic tendencies of the trade union are discussed at length. The author sees a widespread desire for "an honest open shop" on the part of labor, but there is little hope of its attainment in the near future. The tactics of unionism are described with a wealth of modern illustration, particularly the developments in collective bargaining in the clothing trades.

The various theories of wages are discussed at length, and both the marginal theory and the bargain theory are rejected as inadequate. The author's thought in this chapter is clearly influenced by Hobson and Veblen.

The writer concludes with an excellent summary of the wider program of the world labor movement, political action, coöperation, socialism. He analyzes and appraises the collectivist programs, i.e., state socialism, guild socialism, Fabianism, syndicalism. There is a bond of unity among them all: "they seek to replace the competitive ethic of scarcity by the ethic of needs." Economics has been concerned with the valuations of the market, and has taken the experience of the last 50 years as a norm of the past and the mold of the future. Economics has been the most inflexible of the sciences. Its laws are now seen to be relative. "The myriad forces which change the thoughts and hopes of men, the changes in technology which are changing the pace of the world are the materials which the economist must use, but up to the present he has but inadequately comprehended this truth."

The arrangement and appearance of the book leave little to be desired apart from some apparently unnecessary repetition. The bibliography is comprehensive, and the text shows a mastery of legal and constitutional theory rather unusual for an economist. The

book is not invulnerable from the standpoint of theory, but it is distinguished by a wealth of erudition and practical wisdom. It well repays the considerable time which must be sacrificed adequately to peruse it.

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ANDERSON, WILLIAM. *American City Government*. (New York: Henry Holt & Co., 1925. Pp. 675).

The author, as he states in his preface, has aimed to stress principles rather than details of fact. The scheme of the book has attempted to relate these principles to the several important steps in the normal process of government, beginning with public opinion and proceeding through elections and legislation to administration and adjudication. The structure of government has been subordinated to the working processes of government. For instance, the office of the mayor is not treated in a separate chapter. The powers of the mayor are presented as the processes of government are unfolded in their logical order, that is in legislation and administration.

The author has gone somewhat afield and made his volume heavy by bringing in the social and economic groups and forces which are associated with urban politics. However, the emphasis on the social and economic may be well justified by the almost inextricable relation between the three allied sciences in municipal government.

In two especially strong chapters, "The City and the State" and "The Consolidation of Local Areas," the author discusses the problems of the city in its relation to the other political divisions. The control of the State through legislation and administration is treated. In discussing the relation of the city and county the point is made that these two units of local government are approaching the same plane. Both tend to become agents of the State for State purposes, and corporations for satisfaction of local needs. The author is in accord with the principle as stated by J. S. Mill that, "In order to establish efficiency in local government, it is necessary that there be, wherever possible, but one area of local government over the same territory." Pursuant to this principle is advocated the extension in the United States of the county borough system of England.

However, the author lapses into the error of the abstract scholar when he would have efficiency by encouraging supervision of the Federal Government over cities. This proposition sounds plausible enough when he states that the National Government should become one of the principal agencies for providing municipal education, for educating local officials, and for promoting the improvement of local governmental processes. For the National Government is able to

survey the whole field, has greater prestige and resources, abler men, higher standards of administration, and a less rural point of view. It is true the proposition involves no direct supervision, but the difficulty lies in drawing a line between direct control and the extent to which indirect control of this character may be carried. The most insidious central direction lies in grants of aid, whether material or intellectual.

In discussing the merits of the various plans of city organization, the author makes use of the designation which President Goodnow makes in his scholarly book, *Politics and Administration*, in order to distinguish the functions of government. For instance, the strong mayor plan confuses them. The chief defect of this plan is that the mayor is both politician and administrator, and administration is perverted to the use of politics. Again, the commission plan fuses politics and administration, and results in eliminating the important function of criticism. Administration is neglected for politics. There is no permanent trained staff of administrators. Instead, the commission-governed city has at the head of its departments a number of transient and only partly trained local residents. The complete fusion of legislative and administrative functions under the commission plan tends to obscure general policies. The commissioners become defenders of their particular departments and the distributors of departmental spoils.

The aphorisms of Mill are abundantly revived. For example, the statement that "The business of the elective body is not to do the work, but to see that it is properly done, and that nothing necessary is left undone." Therefore, the function of the city council is to legislate, to control, to scrutinize, and to criticise. The author thinks that the city manager plan is the best device yet tried in municipal government to secure this separation of functions. The plan permits the separation of the political from the administrative branch of government, while retaining complete unity of control and direction in the hands of the political branch. The author admits the *a priori* character of this reasoning. The plan hasn't been in use long enough to generalize. But will the manager plan in practice separate politics from administration? Will not the council choose a man of known political affiliations for manager? Will the council not dictate to the manager his appointments? These are the questions which the critics of the plan ask, and practical experience in several cities that have city managers, or which have tried and discarded the plan, establishes the reasonableness of these queries. Professor Anderson in answering the objections is plainly forced back to fundamentals. "The character of government," he says, "depends on the people, and the character of the councillors whom

they select." However, he ventures several suggestions: (1) Reduce councilmen's salaries to discourage office-seekers; (2) abolish the ward system of election and introduce elections at large; (3) have strict charter provisions establishing the merit system of appointments, and controlling the letting of contracts and the purchase of supplies.

In conclusion, it may be stated that the book is a careful and scholarly presentation of the principles of municipal government. The suggestions and criticisms are stimulating. It has also the advantage of being up-to-date, not a mean advantage considering our propensity for political experiments in city government. The book may profitably be used as a text for a term's work for advanced classes.

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BLAKESLEE, GEORGE H. *The Recent Foreign Policy of the United States*. (New York: The Abingdon Press, 1925. Pp. 368).

The George Slocum Bennett Foundation at Wesleyan University has aided materially the study of American foreign policy by publishing this series of lectures by Professor Blakeslee. Although the lectures were delivered in March, 1924, they were sufficiently revised, before being printed, to make them cover the entire period during which the Honorable Charles Evans Hughes was Secretary of State—a period that is difficult, on account of cross-currents of opinion, complexity of fundamental factors, and deep personal feelings, to discuss in a temperate, judicial fashion. The author aims not to give a detailed account of American foreign relations during the last few years, but rather to evaluate and interpret our recent foreign policies, to compare them with policies of the past, and in the effort to read the future, to note present tendencies. Through it all he makes American coöperation with other States the measure for his valuations. Enough historical data are given to furnish the background for the discussion of present policies.

The titles of the chapters suggest the scope of the work. They are as follows: "American Policy Toward Europe"; "The Monroe Doctrine and Related Policies"; "Pan-Americanism: Washington and Geneva"; "Coöperation in the Far East: The Open Door and the Washington Conference"; "Japanese Immigration: Statutory Exclusion and American Policy"; "Coöperation in the Future: Regional and World Politics." Perhaps the most noteworthy feature of the first chapter is the account of the attempt of the administrations after the war, faced with a complexity of public sentiment, to steer a middle course by coöperating unofficially with other nations in non-political problems, and by keeping out of international questions

strictly political in character. Many will appreciate this thrust at so-called American idealism: "It was one thing to accept the ideal of a world league; it was quite another to accept a detailed constitution creating such a league." In the second chapter the author's clear differentiation between the Monroe Doctrine and our Caribbean policy is also worthy of attention. He gives the Doctrine its proper place and meaning when he describes it as opposition to outside interference in the affairs of this hemisphere; and he rightly states that acts and policies of the United States in relation to situations purely American are not to be attributed to the Monroe Doctrine. In general he defends our Latin-American policies, though he frankly takes the position that the execution of some of them has been at fault. One arrives at the conclusion, after reading the second chapter, that there is nothing unique about the Monroe Doctrine except its name, its notoriety, and its misinterpretations; that every nation has, as far as it can, a similar doctrine of opposition to outside interference in questions within the orbit of its interests; and that we should have had this same Latin-American attitude to contend with whether or not there had been a Monroe Doctrine to serve as a convenient, though mistaken, symbol of North American imperialism. We are suffering the inevitable penalties of being a strong, rich, aggressive, and not always considerate nation placed near proud, high-strung, temperamental peoples considerably different from us in economic, political, and social development. This problem reappears in the third chapter, which defines and discusses Pan-Americanism. The author attempts to interpret Latin-American sentiment in regard to this policy and comes to the conclusion that, though Latin-Americanism and closer coöperation with Europe appeal to the hearts of our Latin-American neighbors, a closer association with the United States makes most impression upon their minds. In spite of the fact that most of the States to the south of us are members of the League, he believes Pan-Americanism can be and is being strengthened, for one thing by our more considerate policy of late, brought about in part by the fact that anti-American sentiment in Latin-America forces us to act with circumspection.

The fourth chapter, describing our recent policy in the Orient, illustrates well the regional character of our policies, how we have one set of policies for the Americas, another for Europe, and yet another for the Far East. The American people favor the open door and the integrity of China at the same time that they oppose any participation in the political broils of Europe. Certainly one who believes in international coöperation has no right to complain of our attitude at the Washington Conference, which the author describes as the "greatest measure of close coöperation with other powers of the world which this nation has ever undertaken." As regards the

possibility of a clash with Japan, he expresses the belief that the Conference and Japan's new policy have had the effect of remedying a dangerous situation. Nor does he believe that our recent immigration policy will impair permanently our good relations with Japan or affect adversely American coöperation in the Orient. In fact, he sees a possibility that the atmosphere will be clearer after the storm blows over.

The last chapter, dealing with coöperation in the future, is obviously in good part a matter of opinion and of interpretation of present tendencies. Yet the able manner in which the author marshals his facts will convince most readers that he is right when he declares that this country "will be compelled in the future to follow a course of much closer coöperation, economic and political, with the other nations of the world than it is following today; and it will be forced to do this, no matter what our political platforms state, or our political parties desire, or the majority of the American people really wish at the present time." As to the form and kind of coöperation, the author is, in our estimation, essentially correct when he says that the States of the world should make use of all present agencies of international coöperation, and continue creating more, instead of limiting themselves to any particular one. He believes that the senatorial policy of isolation will become obsolete; that increased coöperation will not endanger our regional policies in regard to Latin-America and the Orient; that we shall drift into the position of an "informal associate member of the League," and finally join the League, with suitable reservations; but that for a considerable time our coöperation will be limited to participation in humanitarian activities and in problems affecting our interests. Our adherence to the Permanent Court of International Justice he takes for granted.

The volume as a whole is excellent in tone, style, and subject matter. It evidences the sincere desire of the author to be impartial, to sound the real depths of public opinion, and to preserve equanimity in the midst of bitter partisan strife, personal hatreds, and violent denunciation. He exhibits praiseworthy self-restraint even when referring to the Senate. Finally, though he wishes to see realized the full measure of international coöperation on our part, he is patient and is willing to let public opinion solidify in favor of such coöperation. That, he believes, will take place sooner or later whether or not we now wish it.

CHARLES A. TIMM.

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CARVER, T. N. *The Economy of Human Energy*. (New York: The Macmillan Co., 1924. Pp. xiii, 287).

CHASE, STUART. *The Tragedy of Waste*. (In conjunction with the Labor Bureau, Inc.) (New York: The Macmillan Co., 1925. Pp. 296).

These two books are significant of the divergent trends in current economic thought. Both deal, fundamentally, with the intelligent use of the means at our disposal for the attainment of our ends. The one is the work of an economist of the older school who comes forward with hard-set definite conclusions. Both the goal and the means of attaining it are clearly marked out for us. The other is the work of a younger man, one not engaged in teaching—the fact may be significant—one whose mind is still open to new impressions, and who leans very heavily upon the recent work in psychology. Both are addressed to the wider public, and not merely to the professional field.

Professor Carver's book is rather distressing to one who has a certain feeling for the reputation of his profession before the world at large. The expression is poor, the form is weak and hurried. The connection lies in the mood of the author rather than in the integration of the chapters. Nor can this be excused on the ground that the author is exploring a new field. He speaks of it as an expansion with new material of his contribution to *The Foundations of National Prosperity* by Professors Ely, Hess, Leith, and Carver. But those who have read some of his other works will recognize old friends playing at a new stand. And even the costumes are still the same.

Professor Carver comes before us to preach the way of salvation, a salvation to be reached through nationalism and the ultimate struggle from which only the fittest may survive. Everything is subordinated to the power of the nation, the individual first of all. Economically productive labor is his first, one almost said his only duty. Any other expenditure of energy is either "sloth and idleness," "gluttony" or "play." He must be useful to the community to the end of his days whether he enjoy it or not (p. 157). All individuals are substantially equal, all equally unimportant. They are all "food motors," whose value is determined by the spread between their economic production and consumption. Nor do they get back in an enlarged community life what they forego as individuals. All wealth in Professor Carver's cosmogony "should be used as far as possible for the purposes of further production—for nation building—for future generations" (p. 224).

The book closes with an exhortation to statesmen, moralists, and preachers of righteousness that they may see "that nothing is righteousness except that which economizes and makes productive the

energy of the people, and that nothing is sin except that which wastes or dissipates that energy." The Kingdom of God will be at hand when "all the energy of the people is harnessed to useful work and none of it dissipated in vice, dishonesty, destructive conflict, luxury, or distraction." The idea that the Kingdom of God may come to a congeries of self-regarding nations which must live together in an international world, is a conception to make the judicious grieve.

Perhaps a word of interpretation may be added. This ecstatic praise of johnnycake, fishballs and frugality, of pork and beans and grinding thrift; this glorification of endless, hard preparation for a future which is never to come surely cannot be taken at its face value. What, then, can be the explanation? Perhaps we have here the expression of a nostalgic puritan pioneer. The old conditions are gone, the old ideas are following them fast. And Professor Carver is unable to adjust himself to the inevitable changes. Had he been willing to recognize the fact, had he consciously set about the task of reconciling the still-living parts of the old ideas to the new conditions, he might have produced a great book, the epitome of a passing age. As such it would have stood upon the confine of philosophy. (Cf., John Dewey, *Reconstruction in Philosophy*). It might have been much. As it stands it is a prime example of what not to do.

Mr. Chase attacks the problem of the conservation of energy from a rather different angle. He has no desire to tell the world what it should want. He begins, rather, with a survey of what people actually do want, a survey marked by a wholly admirable tolerance. He is willing, for example, to admit as legitimate such things as gambling, when not commercially stimulated, and the milder narcotics.

He approaches our modern world with all its lack of coördination in production, with all its intense pressure on the relatively helpless consumer, in the light of our experience in the war. Then, "acting under the psychological unity which common danger imparts to a group," the nation acted as a unit. It took an inventory of its needs for commodities and then set about filling them. The question was one of physical production, not of pecuniary profit. There followed the release of one-fourth of the available labor power and an actual increase in the physical volume of production. Suppose such a system would be continued in time of peace!

Then follows a brilliant analysis of the wastes of the present order, (a) in the production of harmful or unnecessary goods and services, (b) idleness and involuntary unemployment, (c) failure to measure up to reasonable technical standards for the industry, (d) waste of raw materials. He concludes that probably one-half of our energies are now wasted, and that we have rendered unavailable enormous stores of raw materials as well. He has no

recommendations to make. He is content to make the analysis and present the problem.

It is almost impossible to praise this book too highly. It contains a wealth of fully documented material, and the temperate common sense with which it is set forth is beyond reproach. It will be the bench-mark from which any further work in this field must start.

Only one criticism will be offered, namely, that studies more recent than the one to which Mr. Chase refers have been much less certain of the reality of the increase in the physical volume of production in the war period. But that is by no means to deny the importance of the experiment.

JOHN L. McDUGALL.

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MARTIN, CHARLES E. *An Introduction to the Study of the American Constitution.* (Los Angeles: Times-Mirror Press, 1925. Pp. lvi, 349).

To meet the demand created by recent legislative acts requiring the teaching of the Constitution of the United States in colleges and universities, Professor Martin has endeavored in this volume to give—as the sub-title of the work indicates—"an outline of the formation and development of the American constitutional system and the ideals upon which it is based." He accordingly devotes approximately one-third of the work to the formation of the constitutional system, emphasizing the part played therein by the institutions and political theories inherited from Great Britain, and discussing in turn the various plans of government proposed in 1787. He likewise traces the development of our executive, legislative, and judicial institutions in the last century and a quarter, particularly noting the deviation of the executive in practice from the plans of the founding fathers.

In the ensuing chapters on the development of our constitutional system considerable attention is given to the basic constitutional decisions of Marshall and his successors on the Federal bench, numerous outlines of abstracts of cases being grouped together according to the subject matter of the decisions, and connected by introductory comment.

By far the most interesting portion of the book is its concluding chapter, dealing with recent and contemporary constitutional controversies. It discusses in turn the moot questions of child labor, the Constitution and social legislation, changes in the amending process and the position of the judiciary in our system, as influenced by congressional claims to supremacy, the movement for recall of judges and judicial decisions, current complaints against five-to-four decisions, and in general against the way in which the power of judicial review has been exercised.

Professor Martin appends a proposed syllabus for a course on American institutions and ideals for those who prefer an emphasis on these rather than on the Constitution itself. It may be suggested that in fact half the "ideals" put forward are already accepted and realized principles of government, while the other half are policies so inadequately lived up to that they may best be regarded as ethical aspirations—particularly in foreign policy—rather than as concrete achievements of statesmanship.

Eleven other appendices embrace documents and data—particularly in regard to the Courts and the Constitution—ranging from the Mayflower compact to the LaFollette platform of 1924 looking to the limitation of judicial review. There is a good index but a rather fragmentary bibliography. The book is frankly in the nature of an outline and a compilation rather than a fully developed treatment. Such a form has its obvious limitations as well as certain advantages in clarity and brevity of presentation.

The reviewer is inclined to believe that the volume is disproportionate in its over-emphasis of the judicial side of government, and that there is a too strenuous and one-sided upholding of constitutional fundamentalism, particularly in dealing with the courts and proposed changes in the form of government. On the whole, however, Professor Martin's text will be an acceptable and timely contribution to the teaching of the Constitution in our schools and colleges. As the treatment is admittedly evolutionary (Preface, p. ix), it may be expected to enjoy great circulation in most States of the Union, but will undoubtedly be put on the Index in Tennessee!

MALBONE W. GRAHAM.

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POTT, WILLIAM S. A. *Chinese Political Philosophy*. (New York: Alfred A. Knopf, 1925. Pp. xi, 110).

Mr. William S. A. Pott, sometime professor of philosophy at St. John's University, Shanghai, and now associate professor of the University of Virginia, has written the first of a series of Political Science Classics, to be published by Alfred A. Knopf under the general editorship of Professor Lindsay Rogers. Since Chinese political theory not only antedates the whole of our own body of political thought but is almost unknown to western peoples, it is a particularly appropriate subject for the first volume of such a series.

Over one-half of the book is devoted to a survey of the general intellectual and ethical point of view of Confucian China. The essential characteristics of the Oriental mind are made clear by contrasting the questioning, scientific approach of Socrates with the didactic method of Confucius. The former leads to growth, the latter

to a glorified conservatism. In the West intelligence was early liberated, in the East earlier fixed in the bounds of an ancient tradition. The spirit of free inquiry may have been lost to Europe for a few centuries, but the Renaissance brought a revolt against just such an attitude; in China the Middle Age is but now being broken away from. There is an awakening, if not a reawakening, in the Confucian world, but its influence upon political thought has yet to be determined. The subject of this book is therefore of necessity the body of philosophy that has existed in unchanged form in China for 2,000 years.

For Confucius, as for Plato, ethics and politics are inseparably joined. There is not so much separation as is to be found in the *Politics* or even in the *Laws*. And the ethical system which underlies, includes, and conditions political speculation seems to amount to this: nature is good and human nature is good. The Chinese have yet to produce a Machiavelli or a Hobbes. As a result of this ethical precept virtue is reduced to *li*, or propriety, *i.e.*, consonance with the established order of nature. And this really means conformity to the existing social and political system. With Confucius, as with many western political theorists, the laws of nature teach conservatism rather than radicalism, formalism rather than natural rights. The proper way to learn the laws of nature is to study the ways of the ancients, not concepts of pure reason.

As a result of this supremacy of ethics the notion of the State as a self-sufficing entity has never been developed by the Chinese. No distinction is ever made between the State and its citizens, and the forms, nature, and functions of politically organized society are treated in fragmentary and incidental fashion. The empire is simply a big family. The emperor was regarded as heaven's choice for the father of this multitude of children. They are enjoined to obey him unless he be an unnatural father, that is, not good and kind to his family, in which case he might be deposed and another ruler put in his place. But it would also be unnatural for another form of government to be adopted.

If the Government was essentially a patriarchial affair it was not paternalistic in the sense of entering intimately into the everyday life of the people, most of whom were entirely ignorant of it. Personal rule did not mean to them the right to interfere with personal affairs. Nor did they concern themselves with problems of State or governmental powers. In the West there have for centuries been arguments over absolute and limited sovereignty; the Chinese do not think in such terms: the ruler has power, presumably indeterminate (but not absolute) power, until he abuses it. The Chinese are highly individualistic in their political philosophy, if by individualism is meant indifferentism. It is at once highly

personal and very much opposed to undue governmental regimentation or interference with personal affairs.

The last part of the book is devoted to selections from the writings of Confucius and Lao Tzu. More than the text they illustrate the utter simplicity of Chinese thought about politics. Many of them seem childish if not absurd. Certainly they are ample evidence of the difference between the elementary, moralistic observations about rulers and their conduct that appear to have sufficed for the greatest of Oriental thinkers, and the elaborate systems of political philosophy worked out by scores of Europeans and Americans. One can only wonder whether the contemporary political and social disturbances in China will have the effect of bringing in western political ideas along with improved methods of warfare.

B. F. WRIGHT, JR.

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In *The Basis of Racial Adjustment* (Ginn & Co., 1925), Dr. Thomas Jackson Woofter makes a study of the problem of interracial relations in the United States. He does not deal specifically with the "negro problem"; in fact, his avowed purpose is to steer clear of the use of that expression, examining into "the white man's problems as well as those of the negro." He advances the premise that the tasks are mutual, and that little progress can be made without active and intelligent coöperation between the two races. With this in mind, the author presents various aspects of the works and activities of the "belated races," discussing such questions as the health, occupations, education, and religious activities of the negro. The basis for racial adjustment is to be found in facts and in an understanding of those facts; and the study under consideration presents salient facts in an interesting and instructive way. While this is not a new interpretation of the white man's burden, the reader is reminded occasionally that the obligations are to a considerable extent mutual, and that no satisfactory solution of the race problem is possible without a realization of that fact.

R. C. M.

Professor Robert E. Cushman, of Cornell University, is the author of *Leading Constitutional Decisions* recently published by F. S. Crofts & Co., of New York. The work is intended to be selective rather than inclusive, extracts from forty-three cases being given. These include most of the standard constitutional decisions and a number of recent ones, for example the Child Labor cases, the Selective Draft Law cases, and the Dayton-Goose Creek Railway case. However, it is not in the list of cases included, but in the rather elaborate and very useful notes preceding each case that the book

has its justification and its special value. Because of these it will be of no little service to teachers and to students of American constitutional history and law. The notes are suggestive as well as informational; they not only give the history, constitutional background, and issues involved in each of the cases discussed, but also point out their importance in the development of the fast growing body of American constitutional law.

A considerable number of documents supplementary to textbooks dealing with the Government of the United States are to be found in Rodney L. Mott's *Materials Illustrative of American Government* (Century, 1925). Although the book is less than four hundred pages in length, it contains several kinds of illustrative materials not ordinarily found in such collections of sources. Among other things that might be mentioned are the extracts from recent court decisions on constitutional subjects, the House calendars, a decision of the Interstate Commerce Commission, acts providing for the calling and organizing of State constitutional conventions, rules illustrating the workings of proportional representation in this country, and recent budget, administrative reorganization, tax, anti-lobbying, and home rule laws. The appendices provide an unusually serviceable bibliography of other source materials.

The first volume of *A History of the Pharaohs* has been published by E. P. Dutton & Co. for Arthur Weigall, late Inspector-General of Antiquities for the Egyptian Government and author of several works on Egyptian history. After an introductory account of early Egyptian annals and king-lists, and a discussion of the problems of chronology involved, he takes up the historical period before the first dynasty (5500-3408 B.C.), and then devotes nine chapters to the first eleven dynasties (3407-2112 B.C.) The work contains an immense amount of interesting and valuable material, much of which is here presented in easily available form for the first time. The aim of the author is two-fold: to establish a new system of chronology, one which incidentally serves to confirm the narrative of the Hebrew Patriarchs as related in the Bible, and to present a clear and continuous account of Pharaoh after Pharaoh. In his method of treatment he has endeavored to make clear to the layman what has heretofore been reserved for the professional Egyptologist. A sketch map of ancient Egypt, numerous photographs, charts, tables, and textual illustrations of hieroglyphic sources add to its usefulness. There is also a complete index.